

HOUSE OF REPRESENTATIVES—Sunday, November 22, 1981

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock p.m., Sunday, November 22, 1981.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

God, be merciful to us and bless us; look on us with kindness, so that the whole world may know Your will; so that all nations may know Your salvation.—Psalm 67: 1, 2.

O God, as we approach our national day of thanksgiving, keep us to be aware of how each of us has been blessed. In spite of problems and pressures from every side, cause us, in this moment of prayer, to recall the liberties and freedoms that have encompassed our Nation. May not the difficulties or anxieties of any time make us forget the gifts that have been given to the people of our land. For Your mercy and providence to us, and for the presence of Your loving spirit that is with us every day of our lives, we offer this our prayer of thanksgiving. Amen.

MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4144) entitled "An act making appropriations for energy and water development for the fiscal year ending September 30, 1982, and for other purposes."

The message also announced that the Senate agree to the amendments of the House of Representatives to the amendments of the Senate numbered 14, 17, 18, 33, 47, 52, 57, and 64 to the above-entitled bill.

The message also announced that the Senate recede from its amendment numbered 23 to the above-entitled bill.

The message also announced that the Senate agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4034) "An act making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1982, and for other purposes."

The message also announced that the Senate agree to the amendments of the House to the amendments of the Senate numbered 5, 13, and 23 to the above-entitled bill.

The message also announced that the Senate agree to the amendment of the House to the amendment of the Senate numbered 4, to the above-entitled bill, with an amendment.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 357, FURTHER CONTINUING APPROPRIATIONS, 1982

Mr. WHITTEN submitted the following conference report and statement on the joint resolution (H.J. Res. 357) making further continuing appropriations for the fiscal year ending September 30, 1982, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 97-352)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 357) making further continuing appropriations for the fiscal year ending September 30, 1982, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 27, 56, 58, and 59.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 13, 16, 19, 20, 21, 30, 31, 33, 34, 35, 38, 41, 42, 46, 51, 55, 64, 65, 66, and 72 and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

Funds provided in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriation Act, 1982, notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as amended; subject to any rates provided for in section 101(k) of this joint resolution as follows:

TITLE I

Department of Commerce: General Administration, "Salaries and Expenses", \$28,407,000;

Bureau of the Census: "Salaries and Expenses", \$57,200,000; "Periodic Censuses and Programs", \$92,898,000;

Economic and Statistical Analysis, "Salaries and Expenses", \$25,490,000;

Economic Development Administration, "Salaries and Expenses", \$25,000,000;

Minority Business Development Agency, "Minority Business Development", \$56,641,000;

Maritime Administration, "Research and Development", \$8,491,000;

Marine Mammal Commission, "Salaries and Expenses", \$672,000;

except that for the following items funding shall be at the rate specified herein

Economic Development Administration, "Economic Development Assistance Programs", \$198,500,000;

Federal Trade Commission, "Salaries and Expenses", \$68,774,000;

Small Business Administration: "Salaries and Expenses", \$207,945,000; "Small Business Development Centers", \$14,000,000 which shall be available only for grants for Small Business Development Centers as authorized by section 20(a) of the Small Business Act, as amended;

United States Metric Board, "Salaries and Expenses", \$2,000,000;

TITLE II

Department of Justice: General Administration, "Salaries and Expenses", \$42,233,000;

Office of Justice Assistance, Research, and Statistics: "Research and Statistics", \$35,000,000;

Legal Services Corporation, "Payment to the Legal Services Corporation", \$241,000,000;

And the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert: "Provided further, That for the purposes of this joint resolution the Senate reported level of H. R. 4121, entitled the Treasury, Postal Service, and General Government Appropriation Act, 1982, shall be the level reported by the Senate on September 22, 1981 (S. Rept. No. 97-192);"

And the Senate agree to the same.

Amendment numbered 14:

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

(6) In addition to any sums otherwise appropriated there is appropriated an additional sum of \$25,000,000 which shall be made available for training, job search allowances, and relocation allowances, under sections 236, 237, and 238 of the Trade Act of 1974.

And the Senate agree to the same.

Amendment numbered 17:

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

(c) Such amounts as may be necessary for projects or activities provided for in the District of Columbia Appropriation Act, 1982, at a rate for operations and to the extent and in the manner provided for in the conference report and joint explanatory statement of the committee of conference (H.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by the Member on the floor.

Rept. No. 97-327) as agreed to by the House of Representatives on November 18, 1981, and the Senate on November 19, 1981, as if such Act had been enacted into law.

And the Senate agree to the same.

Amendment numbered 18:

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: for in the conference report and joint explanatory statement of the committee of conference (H. Rept. No. 97-345) as approved by the House of Representatives on November 20, 1981, as if such Act had been enacted into law.

And the Senate agree to the same.

Amendment numbered 22:

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

"(1) The amount of the increase in contract authority under the heading 'HOUSING PROGRAMS, Annual Contributions for Assisted Housing', shall be \$897,177,848, and the amount of the increase in budget authority under such heading shall be \$17,373,528,040.

"(2) The amount appropriated under the heading 'HOUSING PROGRAMS, Housing Counseling Assistance', shall be \$3,520,000.

"(3) The amount appropriated under the heading 'SOLAR ENERGY AND ENERGY CONSERVATION BANK, Assistance for Solar and Conservation Improvements', shall be \$23,000,000.

"(4) The amount appropriated under the heading 'COMMUNITY PLANNING AND DEVELOPMENT, Community Development Grants', shall be \$3,600,000.

"(5) The amount appropriated under the heading 'COMMUNITY PLANNING AND DEVELOPMENT, Urban Development Action Grants', shall be \$458,000,000.

"(6) The amount appropriated under the heading 'POLICY DEVELOPMENT AND RESEARCH, Research and Technology', shall be \$20,000,000.

"(7) The amount appropriated under the heading 'FAIR HOUSING AND EQUAL OPPORTUNITY, Fair Housing Assistance', shall be \$5,016,000.

"(8) The amount appropriated under the heading 'MANAGEMENT AND ADMINISTRATION, Working Capital Fund', shall be \$528,000.

"(9) The amount appropriated under the heading 'DEPARTMENT OF DEFENSE—CIVIL, CEMETERY EXPENSES, ARMY, Salaries and Expenses', shall be \$4,476,000.

"(10) The amount appropriated under the heading 'ENVIRONMENTAL PROTECTION AGENCY, Salaries and Expenses', shall be \$562,837,000.

"(11) The amount appropriated under the heading 'ENVIRONMENTAL PROTECTION AGENCY, Research and Development', shall be \$167,759,000.

"(12) The amount appropriated under the heading 'ENVIRONMENTAL PROTECTION AGENCY, Abatement, Control and Compliance', shall be \$395,000,000.

"(13) The amount appropriated under the heading 'ENVIRONMENTAL PROTECTION AGENCY, Buildings and Facilities', shall be \$3,621,000.

"(14) The amount appropriated under the heading 'EXECUTIVE OFFICE OF THE PRESIDENT, Council on Environmental Quality and Office of Environmental Quality', shall be \$919,000.

"(15) The amount appropriated under the heading 'EXECUTIVE OFFICE OF THE PRESIDENT, Office of Science and Technology Policy', shall be \$1,578,000.

"(16) The amount appropriated under the heading 'FEDERAL EMERGENCY MANAGEMENT AGENCY, Funds Appropriated to the President, Disaster Relief', shall be \$301,694,000.

"(17) The amount appropriated under the heading 'FEDERAL EMERGENCY MANAGEMENT AGENCY, Salaries and Expenses', shall be \$93,879,000.

"(18) The amount appropriated under the heading 'FEDERAL EMERGENCY MANAGEMENT AGENCY, State and Local Assistance', shall be \$121,829,000.

"(19) The amount appropriated under the heading 'FEDERAL EMERGENCY MANAGEMENT AGENCY, Emergency Planning and Assistance', shall be \$67,906,000.

"(20) There are appropriated, out of any money in the Treasury not otherwise appropriated, for the repayment of notes dated April 17, 1979, and September 28, 1979, issued by the Director of the Federal Emergency Management Agency to the Secretary of the Treasury pursuant to section 15(e) of the Federal Flood Insurance Act of 1956 (42 U.S.C. 2414(e)), \$328,240,000.

"(21) The amount appropriated under the heading 'DEPARTMENT OF HEALTH AND HUMAN SERVICES, Office of Consumer Affairs', shall be \$1,760,000.

"(22) The amount appropriated under the heading 'NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Research and Development', for the Space Shuttle including space flight operations shall not exceed \$3,104,900,000: Provided, That the limitations subject to the approval of the Committees on Appropriations contained under this heading shall not be affected by this subsection.

"(23) The amount appropriated under the heading 'NATIONAL SCIENCE FOUNDATION, Research and Related Activities', shall be \$1,010,000,000.

"(24) The amount appropriated under the heading 'NATIONAL SCIENCE FOUNDATION, Science Education Activities', shall be \$22,000,000.

"(25) The amount appropriated under the heading 'NATIONAL SCIENCE FOUNDATION, Scientific Activities Overseas (Special Foreign Currency Program)', shall be \$3,080,000.

"(26) The amount appropriated under the heading 'SELECTIVE SERVICE SYSTEM, Salaries and Expenses', shall be \$18,633,000.

"(27) The amount appropriated under the heading 'DEPARTMENT OF THE TREASURY, Office of Revenue Sharing, Salaries and Expenses', shall be \$6,148,000.

"(28) The amount appropriated under the heading 'DEPARTMENT OF THE TREASURY, New York City Loan Guarantee Program', shall be \$822,000.

"(29) The amount appropriated under the heading 'VETERANS ADMINISTRATION, Compensation and Pensions', shall be \$13,824,000,000.

"(30) The amount appropriated under the heading 'VETERANS ADMINISTRATION, Readjustment Benefits', shall be \$1,938,800,000.

"(31) The amount appropriated under the heading 'VETERANS ADMINISTRATION, Medical and Prosthetic Research', shall be \$128,215,000.

"(32) The amount appropriated under the heading 'VETERANS ADMINISTRATION, Medical Administration and Miscellaneous Expenses', shall be \$57,700,000.

"(33) The amount appropriated under the heading 'VETERANS ADMINISTRATION, Construction, Major Projects', shall be \$378,338,000.

"(34) The amount appropriated under the heading 'VETERANS ADMINISTRATION, Construction, Minor Projects' shall be \$102,942,000, of which not to exceed \$30,018,000 shall be available for the Office of Construction.

"(35) The amount appropriated under the heading 'VETERANS ADMINISTRATION, Grants for Construction of State Extended Care Facilities', shall be \$15,840,000.

And the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

"(36) The amount appropriated under the heading 'DEPARTMENT OF THE TREASURY, Investment in National Consumer Cooperative Bank', shall be \$43,000,000: Provided, That the final Government equity redemption date for the National Consumer Cooperative Bank shall occur on December 31, 1981.

And the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the subsection number named in said amendment insert 37; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the subsection number named in said amendment insert 38; and the Senate agree to the same.

Amendment numbered 28:

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows:

In lieu of the subsection number named in said amendment insert 39; and the Senate agree to the same.

Amendment numbered 36:

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

(k) Such amounts as may be necessary for projects or activities provided for in the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1982, shall be at the rate provided in H.R. 4169 as reported to the Senate on October 30, 1981, as amended by the Senate through November 16, 1981, and under the authority and conditions provided in the applicable appropriation Act for fiscal year 1981; notwithstanding section 15(a) of the State Department Basic Authorities Act of 1956 and section 701 of the United States Information and Educational Exchange Act of 1948, as amended, subject to any rates provided for in section 101(a) of this joint resolution as follows:

TITLE I

National Oceanic and Atmospheric Administration: "Operations, Research, and Facilities" (by transfer), \$10,000,000; "Fish-

ing Vessel and Gear Damage Compensation Fund", \$3,500,000; "Fishermen's Contingency Fund", \$900,000; "Fishermen's Guaranty Fund", \$1,800,000;

Patent and Trademark Office, "Salaries and Expenses", \$118,961,000;

Department of Transportation: Maritime Administration: "Operating—Differential Subsidies (Liquidation of Contract Authority)", \$417,148,000; "Operations and Training", \$74,898,000;

Department of the Treasury: Chrysler Corporation Loan Guarantee Program, "Administrative Expenses", \$1,356,000;

Federal Communications Commission, "Salaries and Expenses", \$76,900,000;

Federal Maritime Commission, "Salaries and Expenses", \$11,225,000;

International Trade Commission, "Salaries and Expenses", \$17,200,000;

Office of the United States Trade Representative, "Salaries and Expenses", \$9,000,000: Provided, That not to exceed \$60,000 shall be available for official reception and representation expenses;

Small Business Administration: "Salaries and Expenses" (by transfer), \$19,200,000; "Disaster Loan Fund", \$0; "Lease Guarantees Revolving Fund", \$3,000,000; "Surety Bond Guarantees Revolving Fund", \$19,000,000;

except that for the following items funding shall be at the rate specified herein:

International Trade Administration, "Operations and Administration", \$160,700,000: Provided, That during fiscal year 1982 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$29,000,000: Provided further, That during fiscal year 1982, total commitments to guarantee loans shall not exceed \$38,250,000 of contingent liability for loan principal;

United States Travel and Tourism Administration, "Salaries and Expenses", \$7,600,000;

National Oceanic and Atmospheric Administration: "Operations, Research, and Facilities", \$820,455,000; "Coastal Zone Management", \$7,415,000; "Coastal Energy Impact Fund", \$0: Provided, That obligations under the Coastal Energy Impact Fund for payments pursuant to subsections 308(c), (d), and (f) of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$9,000,000: Provided further, That unobligated balances previously available for section 308(d)(4) shall be used for administration of the Act of October 27, 1972, as amended; "Foreign Fishing Observer Fund", \$4,000,000;

Science and Technical Research, "Scientific and Technical Research and Services", \$125,528,000;

National Telecommunications and Information Administration: "Salaries and Expenses", \$16,483,000; "Public Telecommunications Facilities, Planning and Construction", \$18,000,000;

Securities and Exchange Commission, "Salaries and Expenses", \$82,906,000;

Small Business Administration, "Business Loan and Investment Fund", \$326,000,000;

TITLE II

United States Parole Commission, "Salaries and Expenses", \$6,200,000;

"Salaries and Expenses, Foreign Claims Settlement Commission", \$705,000;

"Salaries and Expenses, Antitrust Division", \$44,000,000;

"Salaries and Expenses, United States Attorneys and Marshals", \$291,950,000;

"Support of United States Prisoners", \$24,100,000: Provided, That not to exceed

\$3,000,000 shall be available for the purpose of renovating and equipping State and local jail facilities which confine Federal prisoners, as may be authorized by law;

"Fees and Expenses of Witnesses", \$27,921,000;

"Salaries and Expenses, Community Relations Service", \$5,500,000;

Federal Prison System: "National Institute of Corrections", \$11,186,000; "Buildings and Facilities", \$13,731,000, including \$1,920,000 for the planning, design, acquisition, and preparation of a site for a Federal Correctional Institution to be located in central Arizona and any necessary relocation or replacement of existing site structures or other improvements, as well as the grading and development of utility distribution systems; "Federal Prison Industries, Incorporated: (Limitation on Administrative and Vocational Training Expenses)", \$5,066,000;

Commission on Civil Rights, "Salaries and Expenses", \$12,318,000; except that for the following items funding shall be at the rate specified herein:

Department of Justice: Legal Activities, "Salaries and Expenses, General Legal Activities", \$123,200,000;

Federal Bureau of Investigation, "Salaries and Expenses", \$739,609,000;

Immigration and Naturalization Service, "Salaries and Expenses", \$428,557,000;

Drug Enforcement Administration, "Salaries and Expenses", \$230,849,000;

Federal Prison System, "Salaries and Expenses", \$353,000,000;

Office of Justice Assistance, Research, and Statistics, "Law Enforcement Assistance", \$95,923,000: Provided, That \$70,000,000 of said amount shall be available only for grants and administrative expenses authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended: Provided further, That \$2,369,000 of said amount shall be allocated for undercover property recovery programs operated by State and local governments under the supervision of the Department of Justice: Provided further, That \$4,000,000 of said amount provided for the program "Treatment Alternatives to Street Crime" shall be allocated solely to implement Part E of the Justice System Improvement Act of 1979;

Equal Employment Opportunity Commission, "Salaries and Expenses", \$139,889,000 of which not to exceed \$18,500,000 is for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended and sections 6 and 14 of the Age Discrimination in Employment Act;

TITLE III

All of title III, the Department of State and Related Agencies Appropriation Act, 1982, except that for the following items funding shall be at the rate specified herein:

Department of State: Administration of Foreign Affairs: "Salaries and Expenses", \$898,258,000; "Acquisition, Operation, and Maintenance of Buildings Abroad", \$185,970,000; "Buying Power Maintenance", \$1,500,000;

International Organizations and Conferences, "Contributions to International Organizations", \$415,240,000: Provided, That \$28,566,865 shall be available only for the Pan American Health Organization for the payment of 1982 assessed contributions and to reimburse the Pan American Health Organization for payments under the tax equalization program for employees who are United States citizens;

International Communication Agency: "Salaries and Expenses", \$443,286,000;

"Acquisition and Construction of Radio Facilities", \$19,000,000;

TITLE IV

All of title IV, the Judiciary Appropriation Act, 1982, except that for the following item funding shall be at the rate specified herein:

Supreme Court of the United States, "Salaries and Expenses", \$11,208,000: Provided, That not to exceed \$10,000 shall be for official reception and representation expenses.

And the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 114. Notwithstanding any other provision of law, funds provided under this joint resolution for the special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), and the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)) shall not be withheld from obligation unless and until a special message specifying a deferral or rescission of budget authority for such programs is officially submitted to the Congress, when the Congress is in session.

And the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 116. Notwithstanding any other provision of law or of this joint resolution, the funds provided for section 18 nonurban formula grants and section 5 urban formula grants in this joint resolution shall be apportioned and allocated using data from the 1970 decennial census for one-half of the sums appropriated and the remainder shall be apportioned and allocated on the basis of data from the 1980 decennial census.

And the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 119. There are appropriated \$750,000 to continue the operations of the Office of Adolescent Pregnancy Programs of the Department of Health and Human Services.

And the Senate agree to the same.

Amendment numbered 52:

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 121. Amounts at the level provided in H.R. 4560 as passed by the House are available for general departmental management, Department of Health and Human Services, and the program direction and support services activity, Assistant Secretary for Health.

And the Senate agree to the same.

Amendment numbered 54:

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 123. Funding for sections 501(a), (b), and (c) of the Refugee Education Assistance Act of 1980 and for the Refugee Act of 1980 shall be at levels and under the terms and conditions of the Labor Health and Human Services Education Act, 1982, as passed by the Senate.

And the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 129. There is appropriated \$69,800,000 for section 611 of the Education of the Handicapped Act which is in addition to amounts appropriated under this joint resolution which would otherwise be made available under H.R. 4560, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982, as reported to the Senate on November 9, 1981, for such section 611.

And the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 130. For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, as amended, and the International Health Research Act of 1960, \$991,845,000, of which \$892,865,538 shall be for allotments under section 100(b)(1), \$6,134,462 shall be for activities under section 110(b)(3), \$650,000 shall be made available to the Navajo Tribal Council for activities under section 130, and \$18,000,000 shall be for activities under section 711 of the Rehabilitation Act of 1973.

And the Senate agree to the same.

Amendment numbered 62:

That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 131. The Attorney General shall exercise his best efforts to ensure that none of the funds appropriated by this joint resolution may be obligated or expended after March 1, 1982, for the detention of any entrant, any applicant for political asylum or for refugee status, or any other alien which would cause the total number of aliens to exceed five hundred and twenty-five at the facility known as Krome North, located in the State of Florida, or to exceed five hundred and twenty-five at any other facility in the State of Florida for the detention of aliens awaiting exclusion, deportation, or resettlement which is not used for such purpose on the date of enactment of this joint resolution.

And the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 132. There is appropriated an additional \$45,000,000 for the payment of windfall benefits, as provided under section 15(d) of the Railroad Retirement Act of 1974,

which, together with the amounts appropriated under this joint resolution which would otherwise be made available under H.R. 4560, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982, for the payment of such benefits, shall be the maximum amount available for payments through September 30, 1982.

And the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 136. There is appropriated the sum of \$362,000,000 for the Maternal and Child Health Care Block Grant Act.

And the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 137. There are appropriated to the Department of Health and Human Services \$61,180,000 for activities under the Developmental Disabilities Assistance and Bill of Rights Act of 1981.

And the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

In lieu of the matter proposed by said amendment insert:

Sec. 138. There is appropriated \$10,000,000 for Part B of Title IV of the Comprehensive Employment and Training Act relating to the Job Corps which is in addition to the amounts appropriated under this joint resolution which would otherwise be made available under H.R. 4560, the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982, as reported to the Senate on November 9, 1981, for the Job Corps.

And the Senate agree to the same.

Amendment numbered 71:

That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

Sec. 140. (a) Notwithstanding any other provision of this joint resolution and in order to execute Congressional responsibilities under the Constitution to provide specific items of expenditures, appropriations made available by this joint resolution shall be reduced proportionally by 2 percent for programs, projects, or activities for which provisions would be made in the following appropriation Acts:

District of Columbia Appropriation Act, 1982;

Energy and Water Development Appropriation Act, 1982;

Department of Housing and Urban Development-Independent Agencies Appropriation Act, 1982;

Department of the Interior and Related Agencies Appropriation Act, 1982;

Departments of Labor, Health and Human Services, and Education, and Related Agencies, 1982;

Military Construction Appropriation Act, 1982; and

Treasury, Postal Service and General Government Appropriation Act, 1982.

(b) Total appropriation made available in this joint resolution under the Department of Defense Appropriation Act shall be reduced by 2 percent. Provided, That such reductions in total appropriation shall be applied proportionally only to projects and activities in Titles IV and V of such Act. Provided further, That after the conclusion of the 1st Session of the 97th Congress, the level of budget authority for the Department of Defense shall be the level of the conference agreement on the Department of Defense Appropriation Bill for fiscal year 1982. If such agreement has not been reached by the conclusion of the 1st Session of the 97th Congress, the level shall be as set forth by section 101(a)(3) of this joint resolution.

(c) Appropriations made available to the Department of Agriculture in this joint resolution are hereby reduced in the following amounts:

Public Law 480, \$80,000,000;

Rural Housing Insurance Fund, reimbursement for losses in prior years, \$97,000,000;

Agriculture Credit Insurance Fund, reimbursement for losses in prior years, \$56,000,000; and

Rural Development Insurance Fund, reimbursement for losses in prior years \$24,000,000.

(d) Appropriations made available for the projects or activities provided for in the Department of Transportation and Related Agencies Appropriation Act, 1982, in this joint resolution are hereby reduced in the following amounts:

Department of Transportation:

Office of the Secretary, salaries and expenses and transportation planning, research, and development, \$4,000,000;

Coast Guard, operating expenses, \$20,000,000, of which \$5,000,000 shall be deducted from the amounts made available for recreational boating safety; acquisition, construction, and improvements, \$10,000,000; alteration of bridges, \$4,000,000; research, development, test, and evaluation, \$2,000,000; offshore oil pollution compensation fund, \$3,000,000; and deepwater port liability fund, \$3,000,000;

Federal Aviation Administration, operations, \$20,000,000; facilities, engineering and development, \$5,000,000; facilities and equipment (Airport and Airway Trust Fund), \$18,000,000; research, engineering and development (Airport and Airway Trust Fund), \$6,000,000; and construction, Metropolitan Washington Airports, \$5,000,000;

Federal Highway Administration, highway safety research and development, \$2,000,000; highway beautification, \$1,000,000; territorial highways, \$1,000,000; and interstate transfer grants—highways, \$18,000,000;

National Highway Traffic Safety Administration, operations and research, \$5,000,000;

Federal Railroad Administration, office of the administrator, \$500,000; railroad safety, \$1,000,000; railroad research and development, \$5,000,000; rail service assistance, \$4,000,000, of which at least \$2,000,000 shall be deducted from amounts made available for the Minority Business Resource Center; Northeast corridor improvement program; \$6,000,000; and redeemable preference shares, \$5,000,000;

Urban Mass Transportation Administration, administrative expenses, \$1,500,000; research, development, and demonstrations and university research and training, \$4,000,000; urban discretionary grants,

\$14,750,000; non-urban formula grants, \$2,000,000; urban formula grants, \$14,250,000; and interstate transfer grants—transit, \$12,000,000;

Research and Special Programs Administration, research and special programs, \$3,000,000, of which \$1,000,000 shall be deducted from the amounts made available for research and development and \$300,000 shall be deducted from amounts made available for grants-in-aid as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968;

Related Agencies:

Interstate Commerce Commission, salaries and expenses, \$3,000,000;

Department of the Treasury, Office of the Secretary, investment in fund anticipation notes, (\$5,000,000); and

United States Railway Association, administrative expenses, \$3,000,000.

(e) Reductions made by this section shall not apply to appropriations for those activities involving new spending authority described in section 401(c)(2)(C) of the Congressional Budget Act of 1974 including revenue sharing under the Payment to State and Local Government Fiscal Assistance Trust Fund, activities supported under the budget account entitled "Social Security Administration, Limitation on Administrative Expenses" or from funds available for the administration of the Medicare program, the food stamp program, and Veterans' medical care.

(f) Reductions made by this section shall not apply to any account, activity, program or project for which funds are provided by a 1982 appropriation Act enacted into law subsequent to the enactment of this joint resolution.

(g) No account, activity, program or project may be terminated as a result of reductions made pursuant to this section.

(h) Notwithstanding any other provision of this joint resolution, this resolution (other than sections 101 (l), 142, and 144) shall expire on July 15, 1982.

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 11, 15, 29, 32, 37, 39, 40, 43, 44, 48, 49, 53, 57, 70, 73, 74, and 75.

JAMIE L. WHITTEN,
EDWARD P. BOLAND
(except No. 37),
WILLIAM H. NATCHER,
NEAL SMITH,
JOSEPH P. ADDABBO
(except No. 37),
CLARENCE D. LONG,
SIDNEY R. YATES
(except No. 37),
EDWARD R. ROYBAL,
TOM BEVILL
(except No. 37),
ADAM BENJAMIN, JR.
(except No. 37 and
73),
BO GINN
(except No. 37),
JULIAN C. DIXON,
VIC FAZIO,
SILVIO O. CONTE,
JOE MCDADE,
JACK EDWARDS,
J. K. ROBINSON,
LAWRENCE COUGHLIN.

Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
JAMES A. MCCLURE,
PAUL LAXALT,
JAKE GARN,

HARRISON H. SCHMITT,
THAD COCHRAN,
MARK ANDREWS,
JAMES ABDNOR,
BOB KASTEN,
ALFONSE D'AMATO,
MACK MATTINGLY,
WARREN B. RUDMAN,
ARLEN SPECTER,
JOHN C. STENNIS,
DANIEL K. INOUE,
(with reservations on
No. 15, foreign as-
sistance),
LAWTON CHILES
(except No. 37),
DALE BUMPERS.

Managers on the Part of the Senate.

**JOINT EXPLANATORY STATEMENT OF THE
COMMITTEE OF CONFERENCE**

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H.J. Res. 357), making further continuing appropriations for the fiscal year 1982 and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

RATE OF OPERATIONS

Amendment No. 1: Restores language proposed by the House which provides funding under Sec. 101(a) of the continuing resolution for the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1982, amended to provide for only certain items in said Act, as follows:

Title I

Department of Commerce: General Administration, "Salaries and Expenses", \$28,407,000;

Bureau of the Census: "Salaries and Expenses", \$57,200,000; "Periodic Censuses and Programs", \$92,898,000;

Economic and Statistical Analysis, "Salaries and Expenses", \$25,490,000;

Economic Development Administration, "Salaries and Expenses", \$25,000,000;

Minority Business Development Agency, "Minority Business Development", \$56,641,000;

Maritime Administration, "Research and Development", \$8,491,000;

Marine Mammal Commission, "Salaries and Expenses", \$672,000;

except that for the following items funding shall be at the rate specified herein:

Economic Development Administration, "Economic Development Assistance Programs", \$198,500,000;

Federal Trade Commission, "Salaries and Expenses", \$68,774,000;

Small Business Administration: "Salaries and Expenses", \$207,945,000; "Small Business Development Centers", \$14,000,000

which shall be available only for grants for Small Business Development Centers as authorized by section 20(a) of the Small Business Act, as amended;

United States Metric Board, "Salaries and Expenses", \$2,000,000;

TITLE II

Department of Justice: General Administration, "Salaries and Expenses", \$42,233,000;

Office of Justice Assistance, Research, and Statistics: "Research and Statistics", \$35,000,000;

Legal Services Corporation, "Payment to the Legal Services Corporation", \$241,000,000;

REPRESENTATION ALLOWANCES

The conferees are agreed that the authorized ceilings for official representation allowances in H.R. 4169 as passed by the House, shall apply unless specified otherwise.

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conferees are agreed that \$198,500,000 shall be available for economic development assistance programs in the following manner:

	Thousands
Public works	\$130,000
Planning assistance	25,500
Districts.....	(15,000)
Indians.....	(3,000)
States.....	(2,900)
Urban.....	(4,600)
Technical assistance.....	8,000
University centers.....	(3,000)
Research and evaluation programs.....	2,000
Economic adjustment	33,000
Total.....	198,500

The conferees are further agreed that direct loans of \$30,000,000 and any payments for loan defaults shall be derived from the Economic Development Revolving Fund.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides \$207,945,000 in new budget authority for salaries and expenses of the Small Business Administration and an additional \$19,200,000 by transfer from the Disaster Loan Fund, as specified in Senate Report 97-265. The conference agreement also provides \$14,000,000 for Small Business Development Centers. A total of \$18,376,000 is provided under Salaries and Expenses for management assistance programs, including SCORE/ACE, Small Business Institutes, junior college training programs, general contractual assistance, as specified in House Report 97-180, and the Office of International Trade as detailed in Senate Report 97-265. The conferees are agreed that \$6,600,000 shall be provided for advocacy programs including \$1,000,000 for establishing an indicative data base, as specified in House Report 97-180, and \$1,000,000 for development of an external small business economic data base, as specified in Senate Report 97-265. The conferees are agreed that the rate provides \$300,000 in additional funds for the Office of the Inspector General and \$175,000 in additional funds for technology transfer programs, as specified in Senate Report 97-265.

Amendment No. 2: Deletes House reference to the "District of Columbia Appropriation Act, 1982;" from section 101(a)(1) which provides funding for activities in the D. C. Appropriation Act at the lower of the current rate or the rate provided for in the House-passed version of the Act as proposed by the Senate. See amendment No. 17 for the funding rate agreed to by the Committee of Conference.

Amendment No. 3: House recedes to Senate language including Department of Defense Appropriation Act, 1982, under Sec. 101(a)(1) establishing Defense availability rate at the lower amount passed by the two Houses.

Amendment No. 4: Inserts language proposed by the Senate which provides funding for Military Construction at a rate for projects and activities under the lesser or more restrictive authority of the Senate or House passed bill, with the Senate reported bill considered to have passed.

Amendment No. 5: Includes the word "and" as proposed by the Senate.

Amendment No. 6: Deletes language proposed by the House which would have funded the projects or activities provided for in the Department of Transportation and Related Agencies Appropriation Act, 1982, at the lower of the House passed bill or the current rate.

Amendment Nos. 7, 8, 9, and 10: Provide technical adjustment as proposed by the Senate.

Amendment No. 11: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment amended to read as follows:

In lieu of the matter stricken by said amendment, insert the following: *Provided further, That, in addition to the sums otherwise made available by this paragraph the following additional sums are hereby appropriated:*

for low income home energy assistance program, \$140,000,000;

for the foster care program authorized by Title IV of the Social Security Act, \$75,000,000; *Provided, That the provisions contained in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act for Fiscal Year 1982 (H.R. 4560), as reported by the Senate Committee on Appropriations on November 9, 1981, related to a limitation on entitlement to payments under parts A and E of title IV of the Social Security Act and transfer of funds under parts B and E of such title (contained in H.R. 4560 as so reported beginning with "provided" on page 39, line 17, and ending on page 40, line 8) shall not be applicable with respect to any sums appropriated pursuant to this joint resolution;*

for the family medicine residency training programs authorized by Section 786 of the Public Health Service Act, \$10,000,000;

for the Community Services Block Grant, \$62,552,000;

for the State Block Grant authorized by Chapter 2 of the Education Consolidation and Improvement Act of 1981, \$140,000,000; *Provided further, That the College Housing Loan Program shall operate under the terms and conditions as contained in H.R. 4560 as passed the House October 6, 1981 except that the gross commitments for the principal amount of direct loans shall not exceed \$75,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees wish to clarify that the College Housing program is intended to function at a level of \$75 million for direct loan commitments. The revolving fund is to be used to first fund the balance of any approved applications of fiscal year 1981 that were not fully funded because of a deficiency in budget authority.

The conferees direct the Secretary of Health and Human Services, through the Office of Community Services, to continue to use his existing authority to make loans and loan guarantees through the rural development loan fund authorized under Section 681 of the Reconciliation Act of 1981. The conferees are agreed that the Secretary shall adhere to the terms and conditions of the House Committee Report on H.R. 4560 in allocating discretionary funds under the community services block grant.

The conferees intend that for the "Bilingual education" appropriation the annual rate of operations under the Continuing Resolution is \$143,810,000, the amount contained in both the House and Senate versions of the Labor, Health and Human Services, and Education appropriation bill for 1982. The conferees are agreed that the rate of operations for the activities under the total amount available shall be as follows:

	Thousands
Grants to school districts.....	\$82,523
Training grants.....	30,038
Support services.....	19,747
Bilingual desegregation grants.....	7,662
Bilingual vocational training.....	3,840

Any Federal agency has statutory authority to restrain spending of funds made available by the Continuing Resolution only after the President has, in accordance with the Impoundment Control Act of 1974, sent to the Congress a report which indicates which deferrals or rescissions are being proposed.

During the period in which this Continuing Resolution is in effect, the conferees expect the General Accounting Office to continue to monitor the deferral and rescission process to assure that the proper notices are sent to the Congress before funds for specific programs are impounded. In addition, the GAO should determine whether violations of the Impoundment Act took place during the period between October 1 and November 20, 1981, when the First Continuing Resolution was in effect, regarding whether illegal withholding of funds to States occurred and assure that funds to which States are now entitled, regardless of whether or not they elected to take any of the block grants, are returned to them within a reasonable period of time.

RATE OF OPERATIONS IN H.R. 4121

Amendment No. 12: Amends language proposed by the Senate to delete reference to the date of November 17, 1981. The conferees are agreed that \$1,100,000 of the funds made available to the U.S. Secret Service by this Continuing Resolution are to be used to make necessary and needed improvements at the instinctive range at Beltsville, Maryland. The conferees are further agreed that the Assay Office in New York City should not be closed.

Amendment No. 13: Provides technical adjustment as proposed by the Senate.

Amendment No. 14: Appropriations \$25,000,000 for training, job search allowances, and relocation allowances under the Trade Act of 1974, instead of \$50,000,000 as proposed by the Senate. The House included no specific funding for this.

Amendment No. 15: Reported in disagreement.

Amendment No. 16: House recedes to Senate deletion of House language which had established Defense availability rate at the lower amount of either the current rate or the budget estimate.

Amendment No. 17: Amends Senate language so that activities in the District of Columbia Appropriation Act, 1982, (H.R. 4522) will be funded at the rate provided for in the Conference Report and amendments in disagreement as agreed to by the House on November 18, 1981, and the Senate on November 19, 1981. The Senate proposal funded these activities at the rate agreed to by the Committee of Conference as reflected in House Report No. 97-327 filed in the House on November 12, 1981. Both bodies subsequently rejected the conference action on amendment no. 42 which dealt with the salary of the City Administrator and the per diem rate for Board members of the D.C. Redevelopment Land Agency.

Amendment No. 18: Provides that the rate of expenditures for the Energy and Water Development Appropriations Act of FY 1982 (H.R. 4144) shall be as provided for in the conference report and joint explanatory statement of the Managers (H. Rept. No. 97-345) as approved by the House of Representatives on November 20, 1981, rather than as filed in the House on November 19, 1981.

The Corps of Engineers is directed to carry out the Lincoln School, Maine, study as proposed on page 24 of Senate Report 97-256. Funds are included for the north branch of the Chicago River, Illinois, and the Cape May Inlet to Lower Township, N.J. project. The Department of Energy is directed to provide \$1 million of the funds provided in the Solar Reserve Account for solar international activities as discussed during the floor debate on H.R. 4144 in the House of Representatives on July 23 and 24, 1981.

Amendment No. 19: Deletes language proposed by the House.

Amendment No. 20: Inserts language as proposed by the Senate establishing the rate of operations for the projects or activities provided for in the Department of Transportation and Related Agencies Appropriation Act, 1982, at the conference agreement level.

Amendment No. 21: Includes language providing that agencies carried in the 1982 HUD-Independent Agencies Appropriation Bill (H.R. 4034) be funded at a rate for operations and to the extent and in the manner provided for in the conference report and joint explanatory statement of the Committee of Conference (H. Rept. 97-222) with the addition of a new title V as proposed by the Senate instead of providing for the agencies exclusively as provided for in House Report 97-222 as proposed by the House.

Amendment No. 22: Includes language changing certain amounts and provisions in the conference agreement on the HUD-Independent Agencies Appropriation Act, 1982 as proposed by the Senate and modified by the conference column in the following table. The House resolution contained no comparable provision.

Agency/Account	House	Senate	Conference
Department of Housing and Urban Development:			
1. Annual contributions for assisted housing—Annual contract authority.....	(\$916,233,800)	(\$897,177,848)	(\$897,177,848)
Budget authority.....	17,939,370,000	17,373,528,040	17,373,528,040
2. Housing counseling assistance.....	5,000,000	3,520,000	3,520,000
3. Solar Energy and Energy Conservation Bank.....	25,000,000	22,000,000	23,000,000

Agency/Account	House	Senate	Conference
4. Community development grants	3,666,000,000	3,450,000,000	3,600,000,000
5. Urban development action grants	500,000,000	440,000,000	458,000,000
6. Policy development and research	23,000,000	20,000,000	20,000,000
7. Fair housing and equal opportunity	5,700,000	5,016,000	5,016,000
8. Working capital fund	600,000	528,000	528,000
Department of Defense—Civil:			
9. Cemetery Expenses, Army	5,086,000	4,476,000	4,476,000
Environmental Protection Agency:			
10. Salaries and expenses	583,747,000	512,837,000	562,837,000
11. Research and development	181,250,700	167,759,000	167,759,000
12. Abatement, control and compliance	421,840,500	377,194,200	395,000,000
13. Buildings and facilities	4,115,000	3,621,000	3,621,000
Executive Office of the President:			
14. Council on Environmental Quality and Office of Environmental Quality	1,044,000	919,000	919,000
15. Office of Science and Technology policy	1,793,000	1,578,000	1,578,000
Federal Emergency Management Agency:			
16. Funds appropriated to the President, disaster relief	369,000,000	301,694,000	301,694,000
17. Salaries and expenses	83,369,000	93,879,000	93,879,000
18. State and local assistance	134,789,000	121,829,000	121,829,000
19. Emergency planning and assistance	65,456,000	67,906,000	67,906,000
20. National Flood Insurance Fund	373,000,000	328,240,000	328,240,000
Portion applied to debt reduction	-373,000,000	-328,240,000	-328,240,000
Department of Health and Human Services:			
21. Office of Consumer Affairs	2,000,000	1,760,000	1,760,000
National Aeronautics and Space Administration:			
22. Research and development	¹ 4,973,100,000	² 4,791,900,000	³ 4,973,100,000
23. Construction of facilities	99,800,000	80,000,000	99,800,000
24. Research and program management	1,114,300,000	1,099,300,000	1,114,300,000
National Science Foundation:			
25. Research and related activities	1,040,000,000	950,000,000	1,010,000,000
26. Science education activities	27,450,000	20,000,000	22,000,000
27. Scientific activities overseas	3,500,000	3,080,000	3,080,000
Selective Service System:			
28. Salaries and expenses	20,000,000	18,633,000	18,633,000
Department of the Treasury:			
29. Office of Revenue Sharing, salaries and expenses	6,986,000	6,148,000	6,148,000
30. New York City loan guarantee program	934,000	822,000	822,000
Veterans Administration:			
31. Compensation and pensions	12,881,600,000	13,824,000,000	13,824,000,000
32. Readjustment benefits	1,638,300,000	1,938,800,000	1,938,800,000
33. Medical and prosthetic research	150,699,000	128,215,000	128,215,000
34. Medical Administration and miscellaneous operating expenses	62,400,000	51,392,000	57,700,000
35. Construction, major projects	434,603,000	378,338,000	378,338,000
36. Construction, minor projects	110,000,000	102,942,000	102,942,000
Limitation on Office of Construction	(30,279,000)	(30,018,000)	(30,018,000)
37. Grants for construction of State extended care facilities	18,000,000	15,840,000	15,840,000

¹ Contains no comparable provision.

² Contains the following provision: "of which not to exceed \$3,104,900,000 shall be available for the Space Shuttle including space flight operations: Provided, That the limitations subject to the approval of the Committees on Appropriations contained under this heading shall not be affected by this subsection."

³ Retains Senate provision.

The Administration transmitted to the Congress on November 19, 1981, an amended budget request for the Federal Emergency Management Agency. The budget amendment redistributes resources among Agency accounts. The effect of the latest proposal is to reduce the disaster relief fund by \$23,027,000 to cover shortfalls in the Agency's operating accounts. Tariff rates for the civil defense and national security telecommunications systems were recently increased substantially. This requires the realignment of \$10,000,000 in 1982. Of that total, \$8,990,000 is reflected in the emergency planning and assistance account and \$1,010,000 is included under salaries and expenses. The conference agreement provides for the tariff increase.

The budget amendment increases the salary and expenses request by \$10,510,000 above the restructured March proposal. The revised total is \$93,879,000. The major reason for the increase is to cover a \$7,500,000 salary shortfall. The other components of the increase are the tariff adjustment addressed above and \$2,000,000 for additional space rental charges. The salary shortfall is the result of an inexcusable error in budget preparation. When the 1982 Congressional budget submission was developed, the Agency never properly accounted for the October 1980 9.1 percent pay raise. The Agency's internal financial controls were so inadequate that the error was not discovered until nearly nine months later. Further evidence of the problems the Agency is experiencing is the fact that the financial records for fiscal year 1980 were not made final with the Treasury until more than 12 months after the end of the year. Because denial of the increase could severely hamper Agency operations for disaster

mitigation and responses, the conferees have provided the additional funds requested. However, the Agency is advised that mistakes of this magnitude are unconscionable and will not be condoned. During hearings on the 1983 budget estimate, officials of the Federal Emergency Management Agency will be expected to demonstrate the managerial and procedural improvements which have been instituted to ensure better Agency operations.

The Committee of Conference agrees that within the total provided for emergency planning and assistance, the Agency shall make available \$4,000,000 to the National Bureau of Standards for the continued operation of the Center for Fire Research. This is the amount requested in the March budget estimate.

The conferees have provided \$57,700,000 for the medical administration and miscellaneous operating expenses account in the Veterans Administration. Included within the total is \$4,000,000 above the budget estimate for the nurse scholarship program.

The Conferees have restored funds above the amended September budget estimate in the research and development account of the National Aeronautics and Space Administration for the following program areas:

	Thousands
Space sciences	+\$37,000
Space applications	+36,000
Aeronautics	+41,000
Space research and technology	+14,000

In addition, the Conferees agree to add \$70,000,000 for application in accordance with the directions set forth in regard to Amendment No. 27 in H. Rept. 97-222, accompanying H.R. 4034. The balance of the increase above the budget estimate may be

distributed at the discretion of the agency with notification by December 31, 1981, and approval of the Committees on Appropriations.

Finally, the Conferees direct that these amounts may not be used for purposes other than that enumerated above without the approval of the Committee on Appropriations.

Amendment No. 23: Inserts language proposed by the Senate amended to provide that the amount appropriated for investment in National Consumer Cooperative Bank shall be \$43,000,000 instead of \$41,360,000, and to establish the equity redemption date as December 31, 1981 and to change the subsection number. The conference agreement deletes language regarding the purchase of stock.

Amendment No. 24: Inserts language proposed by the Senate to provide that the amount appropriated for salaries and expenses shall be \$564,776,000, and that \$15,640,000 shall be transferred from the unearned fees and charges account.

Amendment No. 25: Inserts language proposed by the Senate that provides \$75,960,000 for a temporary mortgage assistance payments program, amended to change the subsection number.

Amendment No. 26: Inserts language proposed by the Senate extending the availability of payments for operation of low-income housing projects—fiscal year 1981 until September 30, 1982, and providing for the obligation of such funds, amended to change the subsection number.

Amendment No. 27: Deletes language proposed by the Senate providing that the amount appropriated under the heading

"payments for operation of low-income housing projects" shall be \$1,060,048,000.

Amendment No. 28: Inserts language proposed by the Senate to disapprove \$33,800,000 of the proposed deferral D82-140 relating to construction, major projects, amended to change the subsection number.

Amendment No. 29: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

(40) Notwithstanding any other provision of this Act, including any other provision of this title, any agency may before December 31, 1981, transfer to salaries and expenses from other sources made available to it by this Act, such amounts as may be required if the aggregate amount available for salaries and expenses, after such transfer, does not exceed the amount contained for such purposes in this Act before the application of the changes contained in title V: Provided, That such transfers shall be subject to the approval of the Committees on Appropriations: Provided further, That in the Department of Housing and Urban Development not to exceed (1) \$34,000,000 shall be available for data processing services, (2) 12 full-time permanent positions and 16 staff years shall be available for the Immediate Office of the Assistant Secretary for Administration, and (3) 26 full-time permanent positions and 27 staff years shall be available for the Office of the Assistant Secretary for Legislation and Congressional Relations: Provided further, That in the National Aeronautics and Space Administration not to exceed (1) 150 full-time permanent positions shall be available for the Office of the Comptroller and (2) 120 full-time permanent positions shall be available for the Office of External Relations: Provided further, That in the Veterans' Administration not to exceed (1) \$1,500,000 shall be available for the Office of Planning and Program Evaluation and (2) 649 staff years shall be available for the Supply Service.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendments Nos. 30 and 31: Provides the rate for the Department of the Interior and related agencies Appropriation Act, 1982 shall be as provided for in the Conference report (H. Rept. No. 97-315) as approved by the House on November 12, 1981 rather than as filed in the House on November 5, 1981.

Amendment No. 32: Reported in disagreement.

Amendment Nos. 33 and 34: Changes the paragraph designation and includes language proposed by the Senate related to the operation, transfer or closure of the Public Health Service Hospitals and clinics. The conference agreement accepts all of the terms of the President's proposal contained in his request to the Congress of November 9, 1981 (H. Doc. 97-107). This language will facilitate the orderly closure of most of these facilities during fiscal year 1982 and the transfer of four of the hospitals to community use and control.

Amendment No. 35: Changes subsection designation.

Amendment No. 36: Inserts language which provides funding under Section 101(k) of the continuing resolution only for certain appropriation items in the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1982, instead of all appropriation items in said Act as proposed by the Senate, as follows:

TITLE I

National Oceanic and Atmospheric Administration: "Operations, Research, and Facilities" (by transfer), \$10,000,000; "Fishing Vessel and Gear Damage Compensation Fund", \$3,500,000; "Fishermen's Contingency Fund", \$900,000; "Fishermen's Guaranty Fund", \$1,800,000;

Patent and Trademark Office, "Salaries and Expenses", \$118,961,000;

Department of Transportation: Maritime Administration: "Operating—Differential Subsidies (Liquidation of Contract Authority)", \$417,148,000; "Operations and Training", \$74,898,000;

Department of the Treasury: Chrysler Corporation Loan Guaranty Program, "Administrative Expenses", \$1,356,000;

Federal Communications Commission, "Salaries and Expenses", \$76,900,000;

Federal Maritime Commission, "Salaries and Expenses", \$11,225,000;

International Trade Commission, "Salaries and Expenses", \$17,200,000;

Office of the United States Trade Representative, "Salaries and Expenses", \$9,000,000: Provided, That not to exceed \$60,000 shall be available for official reception and representation expenses;

Small Business Administration: "Salaries and Expenses" (by transfer), \$19,200,000; "Disaster Loan Fund", \$0; "Lease Guarantees Revolving Fund", \$3,000,000; "Surety Bond Guarantees Revolving Fund", \$19,000,000;

except that for the following items funding shall be at the rate specified herein:

International Trade Administration, "Operations and Administration", \$160,700,000: Provided, That during fiscal year 1982 and within the resources and authority available, gross obligations for the principal amount of direct loans shall not exceed \$29,000,000: Provided further, That during fiscal year 1982, total commitments to guarantee loans shall not exceed \$38,250,000 of contingent liability for loan principal;

United States Travel and Tourism Administration, "Salaries and Expenses", \$7,600,000;

National Oceanic and Atmospheric Administration: "Operations, Research, and Facilities", \$820,455,000; "Coastal Zone Management", \$7,415,000; "Coastal Energy Impact Fund", \$0: Provided, That obligations under the Coastal Energy Impact Fund for payments pursuant to subsections 308(c), (d), and (f) of the Coastal Zone Management Act of 1972, as amended, shall not exceed \$9,000,000: Provided further, That unobligated balances previously available for section 308(d)(4) shall be used for administration of the Act of October 27, 1972, as amended; "Foreign Fishing Observer Fund", \$4,000,000;

Science and Technical Research, "Scientific and Technical Research and Services", \$125,528,000;

National Telecommunications and Information Administration: "Salaries and Expenses", \$16,483,000; "Public Telecommunications Facilities, Planning and Construction", \$18,000,000;

Securities and Exchange Commission, "Salaries and Expenses", \$82,906,000;

Small Business Administration, "Business Loan and Investment Fund", \$326,000,000;

TITLE II

United States Parole Commission, "Salaries and Expenses", \$6,200,000;

"Salaries and Expenses, Foreign Claims Settlement Commission", \$705,000;

"Salaries and Expenses, Antitrust Division", \$44,000,000;

"Salaries and Expenses, United States Attorneys and Marshalls", \$291,950,000;

"Support of United States Prisoners", \$24,100,000: Provided, That not to exceed \$3,000,000 shall be available for the purpose of renovating and equipping State and local jail facilities which confine Federal prisoners, as may be authorized by law;

"Fees and Expenses of Witnesses", \$27,921,000;

"Salaries and Expenses, Community Relations Service", \$5,500,000;

Federal Prison System: "National Institute of Corrections", \$11,186,000; "Buildings and Facilities", \$13,731,000, including \$1,920,000 for the planning, design, acquisition, and preparation of a site for a Federal Correctional Institution to be located in central Arizona and any necessary relocation or replacement of existing site structures or other improvements, as well as the grading and development of utility distribution systems; "Federal Prison Industries, Incorporated: (Limitation on Administrative and Vocational Training Expenses)", \$5,066,000;

Commission on Civil Rights, "Salaries and Expenses", \$12,318,000; except that for the following items funding shall be at the rate specified herein;

Department of Justice: Legal Activities, "Salaries and Expenses, General Legal Activities", \$123,200,000;

Federal Bureau of Investigation, "Salaries and Expenses", \$739,609,000;

Immigration and Naturalization Service, "Salaries and Expenses", \$428,557,000;

Drug Enforcement Administration, "Salaries and Expenses", \$230,849,000;

Federal Prison System, "Salaries and Expenses", \$353,000,000;

Office of Justice Assistance, Research, and Statistics, "Law Enforcement Assistance", \$95,923,000: Provided, That \$70,000,000 of said amount shall be available only for grants and administrative expenses authorized by title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended: Provided further, That \$2,369,000 of said amount shall be allocated for undercover property recovery programs operated by State and local governments under the supervision of the Department of Justice: Provided further, That \$4,000,000 of said amount provided for the program "Treatment Alternatives to Street Crime" shall be allocated solely to implement Part E of the Justice System Improvement Act of 1979;

Equal Employment Opportunity Commission, "Salaries and Expenses", \$139,889,000 of which not to exceed \$18,500,000 is for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended and sections 6 and 14 of the Age Discrimination in Employment Act;

TITLE III

All of title III, the Department of State and Related Agencies Appropriation Act, 1982, except that for the following items funding shall be at the rate specified herein:

Department of State: Administration of Foreign Affairs: "Salaries and Expenses", \$898,258,000; "Acquisition, Operation, and Maintenance of Buildings Abroad", \$185,970,000; "Buying Power Maintenance", \$1,500,000;

International Organizations and Conferences, "Contributions to International Organizations", \$415,240,000: Provided, That \$28,566,865 shall be available only for the Pan American Health Organization for the payment of 1982 assessed contributions and

to reimburse the Pan American Health Organization for payments under the tax equalization program for employees who are United States citizens;

International Communication Agency: "Salaries and Expenses", \$443,286,000; "Acquisition and Construction of Radio Facilities", \$19,000,000;

TITLE IV

All of title IV, the Judiciary Appropriation Act, 1982, except that for the following item funding shall be at the rate specified herein:

Supreme Court of the United States, "Salaries and Expenses", \$11,208,000: Provided, That not to exceed \$10,000 shall be for official reception and representation expenses.

And the Senate agree to the same.

REPRESENTATION ALLOWANCES

The conferees are agreed that the authorized ceilings for official representation allowances in H.R. 4169 as passed by the House, shall apply unless specified otherwise.

REPROGRAMMING POLICY

The conferees are agreed that Section 508 of H.R. 4169, as reported by the Senate, concerning reprogramming policy shall govern the Departments, agencies, commissions, and administrations funded in the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriation Act, 1982.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

The conferees are agreed that of the \$160,700,000 provided for the International Trade Administration, funding for trade adjustment assistance programs shall be at the rate set forth in Senate Report No. 97-265, and that \$1,000,000 shall be used to fund the small business export expansion program in fiscal year 1982. The conferees note that the Department of Commerce did not carry out this program in fiscal year 1981 with the \$1,000,000 provided for that purpose, and fully expect the Department to obligate a total of \$2,000,000 in FY 1982 for small business export expansion activities.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conferees intend that of the \$820,455,000 provided herein for "Operations, Research, and Facilities", the rate for those projects and activities listed in Senate Report No. 97-265 shall apply with the following exceptions: Anadromous fishery grants, \$3,375,000; Sea Grant, \$35,000,000; Commercial Fisheries R&D, \$4,000,000; Sand Point (EXAD), \$450,000; Climate data activities, \$11,100,000; AFOS, \$11,730,000; GOES Satellite, \$15,870,000; Weather modification (NOAA), \$669,000; LANDSAT, \$1,100,000; Fur Seals, \$-0-; Habitat monitoring, \$-0-; North Dakota/Utah weather modification, \$300,000. In addition, the conferees are agreed that \$926,500 is provided for the 38 weather stations proposed for termination.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

The conferees are agreed that of the total amount provided for the National Telecommunications and Information Administration, "Salaries and Expenses", funds shall be allocated to retain twelve of the nineteen employees scheduled for termination as proposed in the March 10 budget estimates.

FEDERAL COMMUNICATIONS COMMISSION

The conferees are agreed that the Federal Communications Commission shall not

move any of its offices in the District of Columbia from their present locations until approval is secured from the Committees on Appropriations of the House and Senate. The conferees are further agreed that the Commission should provide adequate staff and other necessary support for research and other activities for the Temporary Commission on Alternative Financing for Public Telecommunications.

SCIENCE AND TECHNICAL RESEARCH

The conferees are agreed that within the total amount provided for "Scientific and technical research and services", funds shall be allocated as prescribed in House Report No. 97-180. The conferees are further agreed that with regard to the closeout of the Smithsonian Science Information Exchange, the Department of Commerce shall provide to those employees separated from SSIE due to the closeout all rights, benefits, severance pay and other considerations that would be extended and afforded any group of Federal employees under the same conditions.

SECURITIES AND EXCHANGE COMMISSION

The conferees are agreed that of the \$82,906,000 provided for the Securities and Exchange Commission, the Commission shall endeavor to achieve the objectives and carry out the activities, within the resources available, detailed in Senate Report No. 97-265. The conferees are further agreed that the SEC shall not move any of its offices in the District of Columbia from their present locations until approval is secured from the Committees on Appropriations of the House and Senate.

SMALL BUSINESS ADMINISTRATION

Business loan and investment fund

The conference agreement provides a rate of \$326,000,000 for the Business Loan and Investment Fund of the Small Business Administration. The conferees are agreed that the rate provided shall support a total of \$3,300,000,000 in guaranteed loans, as specified in Senate Report 97-265, and a total of \$225,000,000 in direct loans as detailed in Senate Report 97-265, except that \$120,000,000 will be available for direct business loans. The conferees are agreed that \$31,000,000 in unanticipated, unobligated balances shall be used to support the loan levels provided.

DEPARTMENT OF JUSTICE

ADMINISTRATIVELY UNCONTROLLABLE OVERTIME

The conferees are agreed that the rate of funding provided for the Federal Bureau of Investigation, the Immigration and Naturalization Service, and the Drug Enforcement Administration included the full amount requested for Administratively Uncontrollable Overtime (AUO) as set forth in Senate Report 97-265.

UNITED STATES ATTORNEYS AND MARSHALS

The conferees are agreed that the \$291,950,000 provided for the United States Attorneys and Marshals include \$5,000,000 which shall be available for the United States Bankruptcy Trustees. The conferees are further agreed that this program is to be financed out of savings realized for the U.S. Attorneys and U.S. Marshals and that in no event are personnel levels for these activities to be reduced in order to fund the U.S. Trustees.

FEDERAL BUREAU OF INVESTIGATION

The conferees are concerned about recent action taken by the Federal Bureau of Investigation which suspended fingerprint identification services provided to states and

local authorities, banking and other financial institutions. The conferees expect that the Director will make every effort to restore such service within the current fiscal year.

IMMIGRATION AND NATURALIZATION SERVICE

The conference agreement provides \$428,557,000 for the Immigration and Naturalization Service. This amount is \$41,421,000 higher than that in H.R. 4169 as passed by the House of Representatives but is \$45,000,000 less than the level in H.R. 4169 as amended by the Senate. The conference agreement includes funds for enforcement and detention, but does not provide \$35,000,000 added by the Senate for the construction of a permanent new detention facility. The conferees are agreed that the rate of funding provided is sufficient to maintain the number of Border patrol and investigations positions provided in House Report 97-180. In addition, the conferees are agreed that INS provide positions detailed in Senate Report 97-265 for the Charlotte and Atlanta offices.

FEDERAL PRISON SYSTEM

Buildings and facilities

The conference agreement provides that \$1,920,000 of the \$13,731,000 provided for buildings and facilities for the Federal Prison System shall be used for the acquisition of land, engineering studies, and design of a new correctional facility in Phoenix, Arizona, as provided in Senate Report 97-265.

DEPARTMENT OF STATE

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement provides that of the funds provided for contributions to international organizations, not less than \$28,566,865 shall be made available to the Pan American Health Organization (PAHO) for calendar year 1982 assessments and tax equalization fund expenditures.

INTERNATIONAL COMMUNICATION AGENCY

The conferees are agreed that of the \$443,286,000 provided for Salaries and expenses, \$100,000,000 shall be used for educational and cultural exchange activities as defined in the Mutual Educational and Cultural Exchange Act of 1961, as amended. The conference agreement provides \$7,465,000 above the March budget estimate for academic exchange programs.

Amendment No. 37: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

(1)(1). It is the purpose of this Act that appropriations to implement the Federal Pay Comparability Act of 1970, the Executive Salary Cost-of-Living Adjustment Act of 1975, and every other related provision of law, which would provide pay for certain federal officials shall be limited to the amounts stipulated below: Provided, That appropriations already made for such purpose shall become effective January 1, 1982 instead of October 1, 1982 as heretofore provided by Public Law 97-51: Provided further, That any funds made available pursuant to this section shall not be used to pay any federal official whose rate of pay is at Level I or Level II of the Executive Schedule under title 5, United States Code, any sum in excess of 4.8 percent increase (rounded to the next highest multiple of \$100) in existing

pay and such sum if accepted shall be in lieu of the approximate 23.4 percent which is otherwise due and payable under existing law and in recognition of the limitation on outside income as applied to the Members of the House of Representatives which does not apply to the Members of the Senate: Provided further, That notwithstanding the provisions of section 305 of H.R. 4120 made applicable by subsection (j) of this section, but subject to paragraphs (2), (3), and (4) of this subsection, nothing in this Act shall (or shall be construed to) require that the rate of salary or basic pay, payable to any individual for or on account of services performed after November 20, 1981, be limited or reduced to an amount which is less than 104.8 percent of the rate (or maximum rate, if higher) of the salary or basic pay payable for such office or position for November 20, 1981, (rounded to the next highest multiple of \$100) or, if greater—

(A) \$59,500, if such individual has an office or position the salary or pay for which corresponds to the rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code;

(B) \$58,500, if such individual has an office or position the salary or pay for which corresponds to the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code; or

(C) \$57,500, if such individual has an office or position the salary or pay for which corresponds to the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2)(A) For purposes of paragraph (1), any rate of salary or pay shall be considered to correspond to the basic pay for a level of the Executive Schedule if the rate of salary or pay for that office or position is (i) fixed at a rate which is equal to or greater than the rate of basic pay for that level of the Executive Schedule or (ii) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level (or to a percentage of such a maximum rate) by reason of section 5308 of title 5, United States Code, or any other provision of law (other than the provisions of such section 305 made applicable by subsection (j) of this section) or congressional resolution.

(B) In applying paragraph (1) for any office or position for which the rate of salary or basic pay is limited to a percentage of such a maximum rate, there shall be substituted, in lieu of the amount specified in paragraph (1) for that office or position, an amount equal to such percentage of the specified amount.

(3) If the rate of salary or basic pay, payable on account of services performed for any period by an individual in any office or position, (or maximum rate, if higher) is by reason of the provisions of paragraph (1) of this subsection increased over the rate of salary or basic pay which would have been payable on account of such services if such paragraph (1) had not become law, then, notwithstanding any other provision of law, beginning with the first day of such period the rate of salary or basic pay (or maximum rate, if higher) for such office or position—

(A) shall be the rate (or maximum rate, if higher) payable for such services in such office or position, as increased by reason of the provisions of paragraph (1) of this subsection, and

(B) shall not be subject to any increase (other than the increase brought about by reason of the provisions of paragraph (1) of this subsection) by reason of salary adjustment, which become effective prior to the

date this joint resolution became law under the Federal Pay Comparability Act of 1970, the provisions of subchapter 1 of chapter 53 of title 5, United States Code, relating to pay comparability, or any related provision of law.

(4) The preceding provisions of this subsection shall not apply with respect to the office of Senator, President pro tempore of the Senate, or the majority or the minority leader of the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement applies a 4.8 percent limitation in the cost-of-living adjustment for certain officials in lieu of the 23.4 percent increase that otherwise could occur by statute in addition to the limitation adjustment proposed for certain other officials by the Senate. The new rates would become the statutory rates payable, thus eliminating and foregoing all previously accrued adjustments. Members of the Senate are excluded from the adjustments.

Amendment No. 38: Inserts language as proposed by the Senate appropriating \$35,790,000 for construction or expansion of two teaching facilities under section 720(a)(1) of the Public Health Service Act. The conference agreement includes \$20,790,000 for the construction or expansion of a teaching facility, the Institute for Advanced Biomedical Research at the University of Oregon Health Science Center, School of Medicine, Portland, Oregon, and \$15,000,000 for the construction or expansion of a teaching facility, the Health Sciences Education Building, at the Tufts University School of Medicine, Boston, Massachusetts.

UNITED STATES POSTAL SERVICE

Amendment No. 39: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"Notwithstanding any other provision of this joint resolution, except sec. 140, \$869,240,000 is appropriated under this joint resolution for payment to the Postal Service Fund, of which \$230,000,000 shall be available for public service costs and \$639,240,000 shall be available for revenue forgone on free and reduced rate mail.

"Notwithstanding any other provision of law, the Postal Service shall promptly adjust preferred rates so as to recover the difference between the amount which would have been authorized to be appropriated under section 2401(c) of title 39, United States Code had this provision not been enacted, and the \$639,240,000 hereby appropriated. Such adjustments shall be made in accordance with the following subsections:

"(a) As provided in Section 1723 of the Omnibus Budget Reconciliation Act of August 13, 1981, the first \$104,000,000 of the difference in appropriations is to be recovered by adjustment of the rates for the class of mail under former sections 4452(b) and 4452(c) of title 39, United States Code.

"(b) \$56,760,000 is to be recovered through proportional adjustment based on the remaining phasing appropriation for any class of mail sent at a free or reduced rate under section 3217 or section 3626 of title 39, under the Federal Voting Assistance Act of 1955 or under the Overseas Citizens Voting Rights Act of 1975.

"(c) The adjustments made under subsections (a) and (b) shall be further adjusted so

that \$20,000,000 is applied to lessen the adjustment under subsection (b) for any class of mail or kind of mailer under former sections 4358, 4554(b), and 4554(c) of title 39, United States Code."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

"Sec. 109. No funds made available pursuant to this continuing resolution may be used to accomplish or implement a proposed reorganization of the Bureau of Alcohol, Tobacco and Firearms before March 30, 1982. Such reorganization plan may be implemented after March 30, 1982, unless disapproved by the House and Senate Committees on Appropriations: *Provided further*, That of the funds made available by this Continuing Resolution for the Bureau of Alcohol, Tobacco and Firearms, \$15,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1982."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 41: Provides transfer authority between appropriations within the Treasury Department as proposed by the Senate.

GENERAL SERVICES ADMINISTRATION

Amendment No. 42: Provides that construction of federal building projects included in H.R. 4121 as passed by the House, or in H.R. 4121 as reported by the Senate on September 22, 1981, may be initiated under this continuing resolution as proposed by the Senate.

IRS REVENUE RULING

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amended to read as follows:

In lieu of the language proposed in (b)(1)(A) by said amendment insert the following: *all of the obligations of which are directly or indirectly guaranteed or secured in whole or in part by—*

And after section (b)(2)(B)(ii)(II) insert the following:

(III) *One or more financial institutions which are not related persons (within the meaning of section 103(b)(6)(C) of such Code) to the user of the proceeds of the issue.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 44: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate stating that it is the sense of the Senate that the President should not include recommendations for revenue enhancements that would have the effect of reducing Federal tax incentives for energy conservation or the development of renewable energy sources.

Amendment No. 45: Amends language proposed by the Senate regarding the withholding of funds under the supplemental

food programs for women, infants and children program (WIC and SCFP).

The conference agreement requires that the funds provided by this joint resolution be obligated to the extent and manner provided for in House Report 97-313, and that no funds be withheld from obligation unless and until a special message specifying a deferral or rescission for such programs is submitted while the Congress is in session. It should be clear that any withholding during such time as the Congress may be unable to act on a special message will not meet the spirit nor the intent of this conference agreement; however, no withholding is anticipated.

The conferees strongly support these programs and note that during the period which a previous deferral message had been pending before the Congress, based upon the amounts provided in H.J. Res. 325, the administration maintained participation in these programs as had been required in the joint explanatory statement of the committee of conference on that joint resolution. The conferees repeat the direction made in that statement that "any efforts to reduce funding allocations to the States, thereby affecting levels of participation, would be clearly contrary to the provisions of this joint resolution."

Amendment No. 46: Inserts language as proposed by the Senate limiting the railroad branchline abandonments in the State of North Dakota to 350 miles.

The conferees understand that the Illinois Central Gulf Railroad has agreed to cooperate with the State in the continued operation of their railroad lines in North Mississippi.

The conferees reiterate the language appearing on page 28 of the joint explanatory statement of the committee of conference on the Department of Transportation and Related Agencies Appropriation Act, 1982 (H.R. 4209), relating to surcharges, rate increases, and assistance from the Section of Rail Services Planning.

Amendment No. 47: Inserts language reiterating the conference agreement and joint explanatory statement of the committee of conference on the Department of Transportation and Related Agencies Appropriation Act, 1982, concerning the use of census data in apportioning and allocating funds for section 18 non-urban formula grants and section 5 urban formula grants. The conferees direct that the funds made available by this resolution be apportioned and allocated as soon as possible.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment as follows:

Sec. 117. Notwithstanding any other provision of this joint resolution, the funds made available by this joint resolution which would be available under H.R. 4560, entitled "Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982", for school assistance in federally affected areas under title III of such Act shall be available under the authority and conditions set forth in H.R. 4560 as passed the House on October 6, 1981: Provided, That the total amount available for entitlements under section 3(a) of the Act of September 30, 1950, as amended, is amended so as to permit payment to any local educational agency under such section 3(a) not to exceed 90 per centum of the amount of such payment for fiscal year 1981, unless the entitlement for such agency

is determined under Section 3(d)(2)(B) of such Act: Provided further, That the provisions of section 3(d)(2)(B) shall be fully funded and not subject to ratable reduction: Provided further, That the provisions of section 5(c) shall not apply.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement provides that the payments to any local educational agency under section 3(a) shall not exceed 90 percent of such payments for fiscal year 1981, instead of 85 percent as proposed by the House and 95 percent as proposed by the Senate. In determining payments under section 3(b) the Secretary should give priority to local educational agencies in which 20 percent or more of the total number of children in average daily attendance are determined eligible under section 3(b) of Public Law 874. The conferees have provided full funding for section 3(d)(2)(B) of Public Law 874 which gives the Secretary of Education authority to balance the current budgets of qualified, heavily impacted school districts—after regular impact aid payments have been computed.

Amendment No. 49: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment which provides that all Medicaid payments to the States for Indian health service facilities as defined by section 1911 of the Social Security Act shall be paid entirely by Federal funds and that these amounts shall not be included in the computation of the target amount of Federal Medicaid expenditures under section 1903.

Amendment No. 50: Appropriates \$750,000 to continue the operations of the Office of Adolescent Pregnancy Programs in the Department of Health and Human Services, instead of \$1,000,000 as proposed by the Senate. The House resolution included no funding for this office.

Amendment No. 51: Inserts language as proposed by the Senate prohibiting the Mine Safety and Health Administration from classifying a mine in the potash industry as gassy based upon air samples containing concentrations of methane gas.

Amendment No. 52: Inserts language as proposed by the Senate to provide that amounts at the level provided in H.R. 4560 as passed by the House are available for general departmental management, Department of Health and Human Services, and the program direction and support services activity, Assistant Secretary for Health, but deletes language proposed by the Senate which would have appropriated an additional \$3,900,000 for administrative costs of the Health Care Financing Administration.

Amendment No. 53: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the Senate amendment with an amendment as follows:

Sec. 122. Notwithstanding any other provision of this joint resolution, appropriations for salaries and expenses in this joint resolution for the Department of Health and Human Services are hereby reduced by \$21,800,000: Provided, That none of this reduction shall be taken from activities supported under the budget account entitled "Social Security Administration, Limitation on Administrative Expenses" or from funds available for the administration of the Medicare program.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 54: Modifies language proposed by the Senate to provide that funding for all refugee, including Cuban and Indochinese, programs shall be at the levels and under the terms and conditions of H.R. 4560 as passed by the Senate.

Amendment No. 55: Inserts new section as proposed by the Senate providing that funds available for student financial assistance shall be subject to the following additional conditions:

(1) The maximum Pell Grant a student may receive in the 1982-1983 academic year is \$1,800.

(2) The cost of attendance used for calculating eligibility for and amount of Pell Grants shall be established by the Secretary of Education.

(3) The Secretary may establish or approve separate systems of need analysis for the academic year 1982-83 for the programs authorized under subpart 2 of part A, part C, and part E of title IV of the Higher Education Act.

(4) The family contribution schedule for the 1981-82 academic year shall be the schedule for the 1982-83 academic year, modified by the Secretary to exclude payments under the Social Security Act and title 38, U.S. Code.

(5) No Pell Grant shall exceed the difference between the cost of attendance and the sum of the expected family contribution and amounts paid to, or on account of, a student under the Social Security Act and under title 38, U.S. Code, and if, with respect to any student, it is determined that the amount of the Pell Grant plus the expected family contribution and payments under the Social Security Act and title 38, U.S. Code exceeds the cost of attendance for that year, the amount of the Pell Grant shall be reduced until the combination of expected family contribution, the amount of the Pell Grant, and payments under title 38, U.S. Code does not exceed the cost of attendance.

The Conference agreement requires that the Secretary of Education defer the use of a single need analysis system as authorized by the Education Amendments of 1980. Rather, for academic year 1982-83 the Secretary has the authority to establish or approve separate systems of need analysis for Federal campus-based student aid programs and to continue to use the Family Contribution Schedule for the Pell Grant program. It is the expressed intent of the conferees that the campus-based programs continue to operate under the current system of "sample cases and benchmark figures." The conferees understand that this provision will not require students filing any additional forms or data.

For the purposes of the Pell Grant program, the Conference agreement defers the provisions of the Family Contribution Schedule in section 482 of the Higher Education Act of 1965. In its place the academic year 1981-82 Pell Grant Family Contribution Schedule will be the schedule for academic year 1982-83. However, the conferees make certain exceptions to the schedule. Veterans and Social Security student benefits are to be excluded from treatment as effective family income; rather, they will now be considered as student assistance to preclude Pell Grant overawards. The Secretary is authorized to adjust the schedule to reflect the most recent and relevant data. For example, these adjustments could include updating base year income used to establish Pell Grant eligibility; updating the years used to calculate independent student

status; adjusting the amount of support by a parent which cannot be exceeded in determining independent student status to \$750; adjusting for dependent student taxes; and/or adjusting the farm/business asset reserve. The conferees intend that the Secretary set a series of assessment rates applicable to the discretionary income of families of dependent students that seeks to meet the funding level provided in this resolution. For the purposes of section 482(a) of the Higher Education Act of 1965, this modified schedule is to be considered as a resubmission of that schedule and will be subject to Congressional review as a resubmitted schedule. It is the intent of the conferees that the Pell Grant cost of attendance criteria used in academic year 1981-82 be the academic year 1982-83 Pell Grant cost of attendance criteria. This criteria is to be used for all references to Pell Grant program cost of attendance in this resolution.

Amendment No. 56: Deletes language proposed by the Senate authorizing the Attorney General to acquire and exchange information regarding certain deceased individuals and missing children. The conferees are in full support of the objective of this provision which is the establishment of a national computer information network to assist law enforcement agencies in locating and identifying missing children and in identifying deceased persons who are found without enough evidence to establish their next of kin. However, the conferees believe that enactment of this provision into law should be accomplished through the regular authorization process and urge the appropriate committees of the House and Senate to consider this matter expeditiously so that appropriate legislation can be submitted to the full House and Senate as soon as possible. In the meantime, the conferees are agreed that the Attorney General should expand, to the extent possible, the computerized information system of the Federal Bureau of Investigation, which currently includes information submitted on a voluntary basis from 47 States on missing persons within such States' borders.

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment which changes only the section number. Inasmuch as this amendment related solely to the Senate and in accord with long practice, under which each body determines its own housekeeping requirements and the other concurs therein without intervention, the managers on the part of the House will move to recede and concur in the Senate amendment No. 57.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 58: Deletes language proposed by the Senate which would have voided the limitation contained in section 324 (amendment 99) as set forth in the conference report and the joint explanatory statement of the committee of conference on the Department of Transportation and Related Agencies Appropriation Act, 1982 filed in the House of Representatives on November 13, 1981.

Amendment No. 59: Deletes language proposed by the Senate which would have provided \$60,000,000 for the reconstruction, resurfacing, restoration, or rehabilitation of the Woodrow Wilson Bridge.

Amendment No. 60: Appropriates an additional \$69,800,000 for education for the

handicapped, as proposed by the Senate. The House bill contained no special provision for these activities.

Amendment No. 61: Appropriates \$991,845,000 for Rehabilitation Services and Handicapped Research, as proposed by the Senate. The House bill made no special provision for these activities.

Amendment No. 62: Inserts language providing that the Attorney General shall exercise his best efforts to ensure that after March 1, 1982, the number of aliens detained at the Krome North facility in Miami, Florida who are seeking entry into the country shall not exceed 525 and that the number of aliens detained at other facility in the State of Florida who are awaiting exclusion, deportation, or resettlement shall not exceed 525 instead of language mandating these requirements as proposed by the Senate.

The conferees are agreed that the Attorney General must take action to reduce the alien population detained at the Krome North facility and other detention facilities in Florida to no more than 525 persons. This continuing resolution provides funding necessary to finance expenses at Krome North and to activate another detention facility, Fort Drum, in Watertown, New York which will relieve crowding at Florida detention facilities. It is the understanding of the managers that this facility can be activated within two months. Therefore, the conference has provided that the Attorney General shall exercise his best efforts to reduce the population of detainees at Krome North and other Florida detention facilities to 525 persons by March 1, 1981. The Conference directs the Attorney General, in carrying out the provisions of this section, to provide monthly reports to the Appropriations Committees detailing all efforts and progress in carrying out the intent of the managers that this limitation be achieved.

Amendment No. 63: Appropriates an additional \$45,000,000 for the payment of windfall benefits under section 15(d) of the Railroad Retirement Act of 1974, instead of \$90,000,000 as proposed by the Senate. The House bill contained no similar provision.

Amendment No. 64: Inserts language proposed by the Senate relating to the low-income energy assistance program. The House bill contained no similar provision. This language provides that assistance can only be provided to individuals or families who meet the eligibility requirements established in the law and that payments may only be used for energy needs. This language is not intended to prohibit retroactive cash payments to individuals which legitimately relate to energy costs. The conferees are anxious that this program be closely monitored by the executive branch in order to insure that federal funds are spent responsibly. This oversight should include unannounced spot audits as well as the normal review.

Amendment No. 65: Inserts language proposed by the Senate which makes the provisions of section 210 of the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriation Act, 1982 (H.R. 4560), as passed by the House of Representatives on October 6, 1981 and the provisions of section 209 of such Act as reported by the Senate Committee on Appropriations on November 9, 1981 applicable only during the period ending March 31, 1982.

Amendment No. 66: Adds new section as proposed by the Senate providing that notwithstanding any other provision of law,

none of the funds appropriated for the Department of Labor, Mine Safety and Health Administration shall be obligated or expended to prescribe, issue, administer or enforce any standard, rule, regulation or order under the Federal Mine Safety and Health Act of 1977 with respect to any independent construction contractor who is engaged by an operator for the construction, repair or alteration of structures, facilities, utilities or private ways or roads located on (or appurtenant to) the surface areas of any coal or other mine, and whose employees work in a specifically demarcated area, separate from actual mining or extraction activities: Provided, That no funds shall be obligated or expended to prescribe, issue, administer or enforce any standard, rule, regulation or order under the Federal Mine Safety and Health Act of 1977 on any State or political subdivision thereof.

The conferees are agreed that the Continuing Resolution incorporates bill language in the House-passed version of H.R. 4560, which provides that none of the funds appropriated for the Mine Safety and Health Administration shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Federal Mine Safety and Health Act of 1977 with respect to any person engaged in the surface mining of stone, clay, colloidal phosphate, sand, or gravel.

Amendment No. 67: Appropriates \$362,000,000 for the Maternal and Child Health Block Grant, as proposed by the Senate. The House bill contained no special provision for this program.

Amendment No. 68: Appropriates \$61,180,000 for activities under the Developmental Disabilities Act, as proposed by the Senate, and deletes appropriations proposed by the Senate of \$1,754,000 for health promotion and disease prevention activities of the Office of the Assistant Secretary for Health. The House bill contained no special provisions for these activities.

Amendment No. 69: Appropriates an additional \$10,000,000 for the Job Corps, as proposed by the Senate, providing a total appropriation of \$610,000,000 for the Job Corps.

It is the intent of the conferees that Job Corps staff not be reduced by more than 10 percent from the number actually onboard on September 30, 1981.

Amendment No. 70: Reported in disagreement. This amendment is reported in disagreement without prejudice to the merits of the issue.

Amendment No. 71: Amends Senate language to provide specific reductions for each of the covered appropriation bills rather than an across-the-board reduction of 4 percent in total budget authority. The conference agreement provides that reductions shall not apply to entitlement programs as defined by the Congressional Budget Act of 1974, revenue sharing, the social security program, the food stamp program, and veterans' medical care. In addition, no account, activity, program or project may be terminated as a result of reductions made pursuant to this provision.

The conference agreement also provides that the entire continuing resolution terminate on July 15, 1982, instead of March 30, 1982, as proposed by the Senate, or September 30, 1982, as provided for by the House in section 102.

Under the agreement, in order to execute Congressional responsibilities under the Constitution to provide specific items of ex-

penditures, appropriations made available by this joint resolution shall be reduced by 2 per cent for programs, projects, or activities for which provisions would be made in the following appropriation Acts:

District of Columbia Appropriation Act, 1982;

Energy and Water Development Appropriation Act, 1982;

Department of Housing and Urban Development-Independent Agencies Appropriations Act, 1982;

Department of the Interior and Related Agencies Appropriation Act, 1982;

Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982;

Military Construction Appropriation Act, 1982; and

Treasury, Postal Service and General Government Appropriation Act, 1982.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS

Appropriations made available to the Department of Agriculture are reduced in the following amounts:

Public Law 480, \$80,000,000;

Rural Housing Insurance Fund, reimbursement for losses in prior years, \$97,000,000;

Agriculture Credit Insurance Fund, reimbursement for losses in prior years, \$56,000,000; and

Rural Development Insurance Fund, reimbursement for losses in prior years, \$24,000,000.

The conferees wish to stress that the reduction in the reimbursement for losses to the loan funds will have no impact on the loan levels authorized by this joint resolution.

DEPARTMENT OF DEFENSE APPROPRIATIONS

The conferees agree to reduce the level of spending for the Department of Defense by 2 percent from the level which otherwise would be available under the Resolution, that is \$196.7 billion.

This reduction amounting to \$3.9 billion, is to be levied only against the Procurement and Research, Development, Test and Evaluation titles.

The conferees further agree that the level of Defense budget authority shall be at this reduced level until the Fiscal Year 1982 Department of Defense Appropriations Bill has been enacted into law or the end of the 1st Session of the 97th Congress. If a conference agreement has been reached but not enacted into law by the end of the 1st Session of the 97th Congress, the level of the budget authority in the conference agreement shall be the operating level of the Department of Defense. If no conference agreement on the Defense Appropriation Bill for 1982 has been reached by the end of the 1st Session of the 97th Congress, the level of budget authority shall be at the House passed level or the Senate passed level, whichever is lower, as set forth in Section 101(a)(3) of the Resolution.

The conferees affirm the commitment of the House and Senate Appropriations Committees to seek and attain an early conference agreement on the fiscal year 1982 Defense Appropriations Bill (H.R. 4995) before adjournment *sine die* of the first session of the 97th Congress.

DEPARTMENT OF THE INTERIOR APPROPRIATIONS

The managers agree that reductions made against the Department of the Interior and Related Agencies Appropriation Act shall be applied evenly to all activities, subactivities,

or projects within each appropriation account. In instances where construction or land acquisition projects cannot be carried out at the reduced level, reprogramming procedures should be followed to permit them either to be accomplished or to be eliminated.

MILITARY CONSTRUCTION APPROPRIATIONS

The 2% reduction to the Military Construction Appropriations Act amounting to \$127 million is to be applied to the following accounts in the following amounts:

Military Construction, Army:	
Planning and Design.....	-\$8,000,000
Minor Construction.....	-3,000,000
Military Construction, Navy:	
Minor Construction.....	-4,000,000
Military Construction, Air Force:	
Air Force Shortfall.....	-64,000,000
Minor Construction.....	-3,000,000
North Atlantic Treaty Organization Infrastructure.....	-45,000,000
Total.....	-\$127,000,000

The conferees agree that reductions within each account are to be taken from non-domestic projects.

The conference agreement includes a reduction of \$206,000,000 from the amounts which would otherwise be made available by this resolution for the projects or activities provided for in the Department of Transportation and Related Agencies Appropriation Act, 1982. In making this reduction the conferees expect that, to the maximum extent feasible, the earmarkings and directives contained in the conference report and joint explanatory statement of the committee of conference on the Department of Transportation and Related Agencies Appropriation Act, 1982, will be implemented. Any deviation from the language contained in that report should receive the prior approval of the House and Senate Committees on Appropriations.

Under the reduction contained in this amendment the following amounts would be available for Interstate Transfer Grants.

Location	Highway	Transit
New Jersey.....	\$9,000,000	\$25,000,000
Washington, D.C.....	9,000,000	290,000,000
Philadelphia.....	22,000,000	9,000,000
Oregon.....	60,000,000	45,000,000
Northeast Illinois.....	125,000,000	25,000,000
Hartford.....	13,000,000	
Tucson.....	10,000,000	
Denver.....	10,000,000	
New York.....	8,000,000	15,000,000
Baltimore.....	3,000,000	7,000,000
Memphis.....	17,000,000	
Hennepin County.....	10,000,000	
Duluth.....	1,000,000	1,000,000
Indianapolis.....	10,000,000	
Boston.....		125,000,000
San Francisco.....		3,000,000
Sacramento.....		2,000,000
Minneapolis-St. Paul.....		1,000,000
Total.....	307,000,000	548,000,000

The conferees direct that none of the reduction proposed by this amendment for Federal Railroad Administration, railroad research and development be allocated to the East St. Louis Metropolitan Gateway Area railroad restructuring project. The reduction of \$5,000,000 from the appropriation redeemable preference shares shall be derived from the amount not specifically earmarked for any project in the statement of the managers accompanying the conference report on the Department of Transportation and Related Agencies Appropriation Act, 1982.

The conference agreement includes reductions under this amendment of approxi-

mately one percent for the urban discretionary and urban formula grant appropriations. The conferees direct that these reductions be applied equally to each activity and new start project identified in the statement of the managers accompanying the conference report on the Department of Transportation and Related Agencies Appropriation Act, 1982. Any personnel reductions in UMTA required by this amendment shall be taken from the Washington, D.C. headquarters office.

Amendment No. 72: Includes language proposed by the Senate providing that Executive Branch officials shall make commitments on applicable programs to guarantee or insure the full amounts made available for such programs covered by the continuing resolution. Commitments could not be reduced unless there were not sufficient qualified applicants.

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will move to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

Sec. 142. (a) Subsection (f) of section 280A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following paragraph:

"(4) Coordination with section 162(a)(2), etc.—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the tests of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units)."

(b) The amendment made by this section shall apply to taxable years beginning after December 31, 1980.

(c) In section 139(b)(3) of Public Law 97-51, strike "1981" and insert "1980".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement incorporates the Senate language which conforms Section 280A of the Internal Revenue Code to Section 162(a)(2) of the Internal Revenue Code regarding certain business tax deductions. The conference agreement stipulates the amendment to 280A shall apply to taxable years beginning after December 31, 1980, instead of December 31, 1981 as proposed by the Senate. In addition, the conference agreement stipulates that the amendment made to Section 162(a) of the Internal Revenue Code by Section 139 of Public Law 97-51, Continuing Appropriations for Fiscal Year 1982, shall apply to tax years beginning after December 31, 1980.

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following:

Sec. 143(A) Notwithstanding any other provision of law or of this joint resolution, of the fiscal year 1982 Highway Trust Funds available for emergency relief, \$17,000,000 shall be made available for damaged highways or for the prevention of damage to highways in the area affected by eruptions of the Mount St. Helens volcano.

Sec. 143(B) Notwithstanding any other provision of title 23, U.S.C., or of this joint resolution, the Secretary shall approve, upon

the request of the State of Indiana, the construction of an interchange to appropriate standards at I-94 and County Line Road at the Porter-La Porte County Line near Michigan City, Indiana, with the Federal share of such construction to be financed out of funds apportioned to the State of Indiana under section 104(b)(5)(A) of title 23, U.S.C.

Sec. 143(C) Notwithstanding any other provision of the law, or of this joint resolution, any proposal for deferral of budget authority under section 1013 of the Impoundment Control Act of 1974 (31 U.S.C. 1403) with respect to budget authority for expenses related to the Northeast Corridor Improvement Project authorized under title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210) shall, upon transmittal to the Congress, be referred to the House and Senate Committees on Appropriations and any amount of budget authority proposed to be deferred therein shall be made available for obligation unless, within a 45-day period which begins on the date of transmittal and which is equivalent to that described in section 1011(3) and (5) of the Impoundment Control Act of 1974 (31 U.S.C. 1401(3) and (5)), the Congress has completed action on a bill approving all or part of the proposed deferral.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will move to recede and concur with the amendment of the Senate regarding future salary increases for Federal judges or Supreme Court Justices.

JAMIE L. WHITTEN,
EDWARD P. BOLAND
(except No. 37),
WILLIAM H. NATCHER,
NEAL SMITH,
JOSEPH P. ADDABBO
(except No. 37),
CLARENCE D. LONG,
SIDNEY R. YATES
(except No. 37),
EDWARD R. ROYBAL,
TOM BEVILL
(except No. 37),
ADAM BENJAMIN, JR.
(except Nos. 37 and
73),

BO GINN
(except No. 37),
JULIAN C. DIXON,
VIC FAZIO,
SILVIO O. CONTE,
JOE MCDADE,
JACK EDWARDS,
J. K. ROBINSON,
LAWRENCE COUGHLIN,
Managers on the Part of the House.

MARK O. HATFIELD,
TED STEVENS,
JAMES A. MCCLURE,
PAUL LAXALT,
JAKE GARN,
HARRISON H. SCHMITT,
THAD COCHRAN,
MARK ANDREWS,
JAMES ABDNOR,
BOB KASTEN,
ALFONSE D'AMATO,
MACK MATTINGLY,
WARREN B. RUDMAN,
ARLEN SPECTER,
JOHN C. STENNIS,
DANIEL K. INOUE
(with reservations on
No. 15, foreign as-
sistance),

LAWTON CHILES
(except No. 37),
DALE BUMPERS,
Managers on the Part of the Senate.

SMALL BUSINESS COMMITTEE HEARING IN ATLANTA CAN- CELED

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute.)

Mr. MITCHELL of Maryland. Mr. Speaker, a subcommittee of the Small Business Committee had planned a hearing in Atlanta tomorrow. Because of the uncertainty of our timetable a number of Members have canceled out. Therefore, the hearing that was scheduled for Atlanta tomorrow is canceled. We will try to reschedule that in January.

CONFERENCE REPORT ON HOUSE JOINT RESOLUTION 357, FURTHER CONTINUING APPROPRIATIONS, 1982

Mr. WHITTEN. Mr. Speaker, pursuant to the order of the House of November 20, 1982, I call up the conference report on the joint resolution (H.J. Res. 357) making further continuing appropriations for the fiscal year ending September 30, 1982, and for other purposes, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of today, November 22, 1981.)

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent to dispense with further reading of the statement.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. FRENZEL. Mr. Speaker, reserving the right to object, this report was apparently worked out late last night. The House, of course, has had very little opportunity to get into the printed material which has just been made available to us. I am wondering if the distinguished chairman, the gentleman from Mississippi, will tell us before we begin the debate on this resolution how he intends to proceed and how many options the House is going to have for separate votes, and so forth, so that we would have some sort of idea of the procedure before we move forward.

If the gentleman would care to respond, I would continue my reservation and yield to the distinguished gentleman from Mississippi.

Mr. CONTE. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 6, rule XV, the Chair cannot recognize the gentleman for that point of order at this time.

Mr. CONTE. Mr. Speaker, I move a call of the House.

The SPEAKER. The Chair does not recognize the gentleman for that purpose.

Mr. FRENZEL. Mr. Speaker, I reserve the right to object, and request a response to my query from the distinguished gentleman from Mississippi.

Mr. WHITTEN. May I say in response to the inquiry that I hope the gentleman realizes the problems we have had. We have been up 2 nights to bring this together, and it is natural that he would like to know what is in the conference report and what we have agreed to.

There will be 1 hour of debate divided between the two sides. There will be a vote on the conference report, and there may be votes on amendments reported in disagreement.

Mr. FRENZEL. Further reserving the right to object, could the distinguished Chairman tell me how many amendments were in disagreement?

Mr. WHITTEN. There were 75 Senate amendments to the House joint resolution, and 17 are in disagreement, most of them in technical disagreement. Probably one or two are controversial and the others were agreed to by the conference and are in technical disagreement and should not consume much time.

Mr. FRENZEL. Further reserving the right to object, Mr. Speaker, I yield to the distinguished gentleman from South Carolina (Mr. CAMPBELL).

ADJOURNMENT

Mr. CAMPBELL. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion.

The question was taken; and the Speaker announced that the yeas appeared to have it.

Mr. CAMPBELL. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 1, nays 370, not voting 62, as follows:

[Roll No. 331]

YEAS—1

Crane, Philip

NAYS—370

Addabbo	Atkinson	Bennett
Akaka	Badham	Bereuter
Albosta	Bafalis	Bethune
Alexander	Bailey (MO)	Bevill
Anderson	Bailey (PA)	Blanchard
Andrews	Barnard	Billey
Annunzio	Barnes	Boggs
Anthony	Bedell	Boland
Applegate	Bellenson	Boner
Archer	Benedict	Bonior
Ashbrook	Benjamin	Bonker

Bouquard
Breaux
Brinkley
Brodehead
Brooks
Broomfield
Brown (CA)
Brown (CO)
Brown (OH)
Broyhill
Burgener
Butler
Byron
Campbell
Carman
Carney
Chappell
Chapple
Clausen
Clay
Clinger
Coats
Coelho
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Daschle
Daub
de la Garza
Deckard
Dellums
Derrick
Derwinski
Dicks
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Dunn
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Emerson
Emery
English
Erdahl
Erlenborn
Ertel
Evans (DE)
Evans (IA)
Evans (IN)
Fary
Fasell
Fazio
Fenwick
Ferraro
Fiedler
Fields
Findley
Fish
Fithian
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Frenzel
Frost
Gaydos
Gejdenson
Gibbons
Gilman

Gingrich
Ginn
Glickman
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (UT)
Hartnett
Hatcher
Hawkins
Heckler
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Holland
Hollenbeck
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jeffries
Jenkins
Johnston
Jones (TN)
Kastenmeier
Kazen
Kemp
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Latta
Leach
Leath
LeBoutillier
Lee
Lehman
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Luken
Lundine
Lungren
Marks
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McClory
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McHugh
Mica
Michel

Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Moffett
Molinari
Montgomery
Moore
Moorhead
Morrison
Murphy
Murtha
Napier
Natcher
Neal
Neilligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Railsback
Rangel
Ratchford
Regula
Rhodes
Richmond
Rinaldo
Ritter
Roberts (KS)
Roberts (SD)
Robinson
Rodino
Roe
Roemer
Rogers
Rosenthal
Rostenkowski
Roukema
Roybal
Rudd
Russo
Sabo
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Shaw
Shelby
Shumway
Shuster
Siljander
Skeen
Skelton
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Smith (PA)
Snowe
Snyder
Solarz
Solomon
Spence

St Germain
Stangeland
Stanton
Stark
Staton
Stenholm
Stokes
Stratton
Studds
Stump
Swift
Synar
Tausin
Taylor
Thomas
Traxler
Trible

Aspin
AuCoin
Beard
Biaggi
Bingham
Bolling
Bowen
Burton, John
Burton, Phillip
Cheney
Chisholm
Crane, Daniel
Crockett
Dannemeyer
Davis
DeNardis
Dickinson
Dingell
Dornan
Dougherty
Duncan

Udall
Vander Jagt
Vento
Volkmer
Walgren
Walker
Washington
Watkins
Waxman
Weaver
Weber (MN)
Weber (OH)
Weiss
White
Whitehurst
Whitley
Whittaker

NOT VOTING—62

Edwards (CA)
Edwards (OK)
Evans (GA)
Fuqua
Garcia
Gephardt
Goldwater
Grisham
Hagedorn
Hance
Hansen (ID)
Harkin
Hillis
Hughes
Jones (NC)
Jones (OK)
Lantos
Lujan
Madigan
Markey
Mattox

Whitten
Williams (MT)
Wilson
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zablocki
Zeferetti

has done it in such a manner so as to earn respect not only here in the House but on the other side of the Capitol, too.

This has been the most trying year that I think I have ever heard of in the history of the Congress. We have had numerous different budgets, and our Committee on Appropriations has been dealing with them in detail. We have had 33 different actions at different times that have affected our work, and then we are expected to get our appropriation bills finished. Despite all of these changes, we got our appropriations bills to the Senate, and none of them had been signed into law by the Executive.

In the continuing resolution which we passed in the House we wrote a bill that had a different approach for just about every department and agency because we expected to protect the House position and write a bill that was responsible.

I would like to say that I am proud of what we have done, and I am proud of the conferees, because we have retained the right of the legislative branch to determine what the money is for and how much money is appropriated. We have retained the right of the House of Representatives to be the originator of money bills. Money bills are to originate in the House and not as was tried in the Senate where the foreign aid appropriation bill had been passed prior to action on this side.

Not only that, but we have met the requirements of the Office of Management and Budget with regard to the total level of spending. As I said before, we had each subcommittee deal with the requests by item as they saw fit based on their knowledge and understanding.

When our bill went to the Senate, there were 75 amendments put on the bill, they used it as a "Christmas tree." Throughout 2 days it was very evident that their support on these various add-ons was not to be found in facts that were available to them.

We have brought to the Members a bill here that not only meets the same dollar totals as the Senate-passed bill but slightly more than was requested by the President in his final statement.

□ 1330

We accomplished this by assigning the task to the various subcommittees that understand the subject matter.

SPENDING MAINTAINED AT REDUCED LEVELS

I would like to direct the attention of my colleagues to a very critical element of this conference report—the bottom line. Everyone involved in the appropriations process must consider the bottom line, and your conferees stayed under the bottom line. From the very beginning of the conference

Messrs. ROBERTS of South Dakota, ROBERT W. DANIEL, JR., SHUSTER, SPENCE, GONZALEZ, and WAXMAN changed their votes from "yea" to "nay."

Mr. FOUNTAIN changed his vote from "present" to "nay."

So the motion was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. Does the gentleman from Minnesota (Mr. FRENZEL) still reserve his right to object?

Mr. FRENZEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi (Mr. WHITTEN) to dispense with further reading of the statement?

There was no objection.

The SPEAKER. The gentleman from Mississippi (Mr. WHITTEN) will be recognized for 30 minutes, and the gentleman from Massachusetts (Mr. CONTE) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me say to my colleagues that I would be remiss if I did not say to the Members that the last 2 days makes me fully appreciate the staff and the employees of the Committee on Appropriations. Throughout the day and the night they have been able to bring together facts and figures to explain and support the position of the House conferees. The staff

it was my intention to stay within the spending limits reflected by the Senate-passed resolution. However, I was also committed to do this in a responsible way that exercised my duties and responsibilities as a Representative to the Congress—the people's branch of the Government.

One of the Senate amendments was the so-called Baker amendment which was characterized as an across-the-board cut of 4 percent. In addition, this amendment included a very dangerous precedent. It turned over to the executive branch of government a small slice of legislative responsibility. But however small, it could have been another step in what I consider to be a very dangerous trend recently of turning over the power of the purse to the Executive.

I personally could not agree to an amendment that allowed the Office of Management and Budget to determine spending priorities, administer cuts, and potentially overturn the intent of Congress. The compromise we agreed to allows for a broader based reduction, administered equitably and preserving legislative directives.

Overall this conference report is below the Senate-passed funding levels and below the House-passed resolution.

The conferees not only came to compromises on the various items added by the Senate but in addition, they took a 2-percent across-the-board reduction in spending. This reduction is actually more than the Senate reduces with their 4-percent reduction due to the way the House conferees insisted it be applied.

Each of the various subcommittees involved decided on their own whether they wanted an across-the-board reduction of 2 percent or whether they preferred to target their reduction in specific areas. Four of the subcommittees chose the targeted approach: Transportation, Commerce-Justice-State, Defense, and Agriculture. The remaining subcommittees chose the pro rata approach. These choices were made by those most knowledgeable in the programs, the subcommittee members who have spent hundreds and thousands of hours taking testimony on these matters.

DURATION OF THIS RESOLUTION

The conferees agreed to a compromise on the termination date of this continuing resolution of July 15, 1982. The House bill provided a September 30 date and the Senate bill provided a date of March 30, 1982. I cannot say it often enough or strongly enough, but this continuing resolution applies only by default—only if you do not act on the regular bills. Remember that as each of the individual bills are signed into law they drop out from coverage under the resolution. We are merely backing up the individual bills so we can provide for the orderly flow of

Government services. Now that we have agreed to an earlier termination date, no one can claim that we are forcing any bill, on anyone, for the full fiscal year. And I repeat again, that when a bill is signed into law it is provided for at the rate specified in that act, rather than under the coverage of this resolution.

RATES OF OPERATION

This resolution provides funding for the following six appropriations bills at the rate of operations provided for in the conference agreement: HUD-Independent Agencies, as amended, Interior, Agriculture, Energy and Water Development, Transportation, and the District of Columbia. The resolution provides that the rate of operation for the following four bills be the lower of either the House or the Senate rate: Treasury-Postal Service, Commerce-Justice-State, Labor-HHS, and Military Construction.

Defense appropriations are provided for at the lower of either the House-passed, or the Senate-reported bill rate, minus 2 percent, whichever is lower, until the sine die adjournment of this session of the 97th Congress. At that time, the 2-percent reduction drops off. I understand from the chairman of the Defense Subcommittee (Mr. ADDABO) that it is likely the Defense bill will go to conference before Christmas.

FOREIGN AID

Finally, my colleagues should know, that one of the hardest battles of this conference was the question of foreign aid. I have always felt that as a strong Nation we must have a strong presence in the world community; however, I believe with all my heart that we should not do this at the expense of the people at home. The Senate was asking us to increase foreign aid by \$1.9 billion, at the same time we were being asked to reduce domestic spending by another 4 percent. In light of this situation the House conferees are going to insist on the lower House numbers.

Until such time as the House has an opportunity to consider the foreign aid bill and work its will in the regular order, I believe we must insist on the House numbers. I understand that the House leadership has stated that they will bring the foreign aid bill before this House in the near future. I hope my colleagues will vote with me to insist on the House level for foreign aid.

PRODUCTIVE INVESTMENT

Mr. Speaker, it is just as essential to maintain investments as it is to eliminate waste. It is just as essential to keep those programs where you get your money's worth for your dollar, as it is to cut out wastes. I say that I think we have now reached the point where what we are doing to the American people is to ask them to pay for

nonproductive spending—inflationary spending. When you push back programs on the States and push back programs on the counties, and when you eliminate all these essential programs it just means you are shifting the place where they pay the costs. It is because of this shifting of costs that we have made an exception here for revenue sharing. Most States and local governments have their budget set up, if they have their programs going, they are dependent on this, and it would be most unfair in the middle of the game for us to let that not go forward.

We have prohibited reductions in the mandatory grants made to States because there again they have commitments themselves.

So let me repeat again. We have come up with the amount of dollars that was requested by the President and the Bureau of the Budget. We have retained the right of the legislative body to be the sole judge of what is appropriated and how it will be handled. Furthermore, we have retained the right of the House to originate money bills.

Mr. Speaker, I would like to conclude my remarks today by summarizing what is in this conference report that we bring before you. I introduced this resolution on November 10 with the cosponsorship of Mr. CONTE, the ranking minority member. The full committee approved the resolution on November 12 without amendment. The resolution provides funding through July 15, 1982. When regular appropriation bills are signed into law, the provisions of the continuing resolution automatically disengage, and the regular bill then becomes the funding device. This resolution covers 12 of the 13 regular appropriation bills. Since the legislative branch appropriation bill was provided for in the previous continuing resolution for the full year, it is not provided for in this measure. This resolution carries existing provisions and limitations on abortions, school prayer, and the tax-exempt status of private schools.

During this conference it was our burden as legislators to make government work for the people. In Congress, we are directly responsible to the people and the committee's appropriations bills are responsive to their needs as justified in the hearings. The conferees wisely rejected those aspects of the Baker amendment that would have turned over power of the purse to the executive branch. The Office of Management and Budget does not have to answer to the people and should not be granted blanket impoundment authority over discretionary funds.

CONSTITUTIONAL RESPONSIBILITY

Members of this body have sworn an oath to support and defend the Con-

stitution—the same Constitution which vests the power of the purse in the House of Representatives. If the Members of this body were to relinquish this power, they would be shirking their constitutional responsibility. Remember we have already cooperated with the executive branch far beyond any point in history, and we have cooperated again in this conference agreement.

So I urge my colleagues to go along with us. We have spent 2 full nights at this. Something is going to have to give or we cannot keep Government going.

We did the best we could. But I am proud of the finished product and I hope you will stand behind our conferees. I think they will stand together on the items we have. I hope you will stand by us all the way because we have won the victory, as I see it, for the U.S. House of Representatives. We have saved our place in the orderly process of Government.

Mr. ADDABBO. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I am happy to yield to the gentleman.

Mr. ADDABBO. I thank the gentleman for yielding. I wish to commend my chairman for the exemplary way that he has handled this conference. In 2 days I think we met with the Senators a total of maybe 5 hours. Most of the time they were off in four different rooms, listening, waiting for Mr. Stockman, or Mr. Bush, or Mr. Meese, to give them marching orders, and they had four different figures to work with, and we were sitting there for 2 days with the chairman and with the other House conferees, and we waited, and we waited, in many instances.

One point, Mr. Speaker, would the gentleman clarify the fact if this conference report is rejected by the House, will it not be a fact that another continuing resolution would then be in order, that you might bring back another conference report or continuing resolution, but the spending level would have to be at the lower level between the House and the other body, and because the other body has the lower figure that we will actually be spending at \$1.5 billion less than what is in the conference report for those programs?

Mr. WHITTEN. The gentleman is correct.

Mr. ADDABBO. I would also point out to my colleagues who have asked me about the defense portion of the bill, in the bill there calls for a 2-percent reduction. There was an amendment we had offered at the beginning of the conference to put some dollars on the line, but it would be only a very temporary reduction. It would have been a cosmetic reduction because it only affected procurement and R. & D., and would come out of the moneys

the chairman spoke about, unobligated balance, and which would make no actual cut at all. But it would only be until the House and the other body had adopted a conference, and we would be at that conference by the second week in December. So the cut for defense, the 2 percent, would have been actually cosmetic.

But under the bill we will be spending at the lower level and in the bill the Senate is lower, so we will be spending at the lower level of \$196 billion.

Mr. WHITTEN. I thank the gentleman. He is correct. And may I thank him for his work here and in the conference, because he, too, believes that we need to get our dollar's worth from defense, and he has worked in that direction.

Could I finish with one statement? I want my colleagues to listen to this. Unless we get together with the other body, practically all the Government will not be able to go to work tomorrow morning.

Having had some experience with this before, I want to tell my colleagues that I did introduce back in October a second continuing resolution which would just extend the date under the present resolution under which we were operating up to November 20. If this resolution fails we may be forced to bring up the other resolution to enable the Government to just keep going.

We have brought you a good bill. We have met the requirements so far as money is concerned. We have saved all of your rights as best we know how and I hope you back us 100 percent.

Thank you.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to my colleague from New York.

Mr. PEYSER. I thank the chairman for yielding.

Mr. Speaker, I merely want to make reference to the fact that I was privileged to spend nearly 9 hours yesterday observing our House conferees, and in all of the conferences I have seen over the years I have never seen a group, and this is on the Republican and Democratic side alike, who were willing to stand up and fight as hard for the House position as this group did. When you look at it objectively, with the Senate, the other body, I can tell you you could be very proud that you are a House Member, and these were our conferees. They were led by the chairman, who did just an outstanding job, and I thank him.

Mr. WHITTEN. I thank my colleague.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I want to compliment the chairman. The chair-

man took a very strong position and I think a wise position. That was when we are cutting all kinds of domestic programs, including programs that are very dear and important to the American people, it would have been unconscionable to have accepted a 20-percent increase in foreign aid in the continuing resolution. That also in the same step would have given no incentive at all to go for a regular foreign aid bill and continue the whole idea of operating year after year under continuing resolutions. I applaud the gentleman.

Mr. WHITTEN. Mr. Speaker, how much time do I have?

The SPEAKER pro tempore (Mr. RANGEL). The gentleman has 14 minutes remaining.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, your conferees have reached agreements on almost all matters in disagreement on the extension of the continuing resolution for 1982.

There were 75 amendments in disagreement, and many more individual items within those amendments. We met virtually nonstop for 3 days, and we were highly conscious of the imminent shutdown of many Federal activities.

I support the conference agreements, and urge you to do likewise. There are several items in true disagreement, and I will speak to one or two of those items in a moment.

But first, I want to outline the conference agreements on several matters of general interest.

The conferees recommend a 2-percent spending cut, which applies proportionally to all programs, projects, and activities funded by the continuing resolution in seven appropriation bills: District of Columbia; energy and water development; Housing and Urban Development; Interior; Labor, Health and Human Services, and Education; military construction; Treasury; and Postal Service.

Individual reductions were made in three bills—Agriculture, Commerce-Justice-State-Judiciary, and Transportation. These cuts equaled or exceeded the cuts that would have been made under the 2-percent formula.

A 2-percent cut was made in the Defense bill, to be applied to Procurement and Research and Development. After the end of this session of Congress, the rate for the Defense bill will be the conference agreement, if we have one by that time, and if not, the level will be the lower of the House or Senate figure.

We excluded entitlements, general revenue sharing, the food stamp program, and veterans medical care, and we provided that the 2-percent cut could not be used to terminate any project or activity.

The 2-percent cut applies only to funds made available by the continuing resolution, and therefore stops if and when the appropriation bill for fiscal 1982 is enacted into law.

It is important that the House understand that, although the language of the 2-percent cut appears to apply to Defense, and the statement of managers refers to a cut in Defense, \$3.9 billion, in fact, the amendment is worded so that the cut could operate, at most, until sine die adjournment, and the actual cut would be insignificant. And to his credit, the chairman's estimates of the 2-percent cut do not include any cut in Defense.

The expiration date of the continuing resolution is July 15, 1982. The chairman and I fought and argued for the House date of September 30, 1982, which would have provided continuing appropriations for the full fiscal year.

We finally had to compromise with the Senate, which had voted overwhelmingly for a termination date of March 30, 1982. Although I was willing to compromise, I am still convinced that an extension for a full year would have been in the best interests of the Congress and the appropriations process.

Members of the other body argued that a continuing resolution for a full year made a mockery of the appropriations process. What nonsense—with only one bill enacted, they were saying in effect that a continuing resolution for 9 months is all right, but that a continuing resolution for an additional 3 months is a "mockery." A continuing resolution for a full year does not in any way preclude the Congress from final action on any of the 1982 appropriation bills.

In fact, by extending the resolution only through July 15, we have guaranteed ourselves the ordeal of another extension, which will interfere with our work on the 1983 budget, and make it more difficult for us to enact appropriation bills for 1983, and require an extensive continuing resolution for 1983.

To put it bluntly, the Members of the other body who fought so hard for a shorter extension, in the name of the appropriations process, have made it more difficult for us to operate that process in a timely and responsible manner next year.

We estimate that budget authority provided by the conference agreement totals \$427.9 billion, which is \$530 million under the amount that would have been available based on the provisions of the Senate continuing resolution, and \$764 million under the President's September budget estimates.

I wish I could tell you that we have cut enough so that the President will sign the bill. However, we can estimate budget authority, but we cannot provide you with reliable outlay estimates

for a bill of this magnitude where the conference agreement was reached only hours ago.

I am sure that at this very moment Budget Director Dave Stockman has his staff hard at work estimating outlays from the conference agreement. Dave is rightly concerned about the Federal deficit, and the related problems of cash management and debt financing.

However, I would presume to offer him some advice. This continuing resolution is not the place for a fight to the death over outlay estimates.

We are talking about funding for the entire executive branch and the judiciary.

We are talking about social security, veterans' benefits, medical care, housing, education, and health programs.

We are not talking about the budget margin or growth rate for these programs, but rather whether they will continue to operate at all after the next few days.

I hope the administration will not roll the dice for outlay estimates when the stakes are this high.

We are \$764 million under the President's September estimates in budget authority, and while I am sure that some of those cuts will not produce corresponding cuts in outlays, I am also sure that the differences cannot possibly justify a confrontation over the continued operation of virtually the entire Federal Government.

Assuming that the other body sustains the conference agreement, I urge the President to sign this bill.

It is time for the President and the Congress to clear the decks for the 1983 budget, and the inevitable supplements and rescissions for 1982.

We can proceed with consideration of the remaining bills for 1982 as circumstances permit.

We do not have the same luxury where the day-to-day functions of Government are concerned.

I say to the President, sign this bill, and let us both get on with the business at hand during the next session of Congress and the next fiscal year.

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from Alabama.

Mr. EDWARDS of Alabama. I thank the gentleman for yielding, and I agree with his comments that we have worked long and hard and, I believe, have come up with a conference report that makes sense, everything considered.

I would like to engage the gentleman in a colloquy, just briefly, about Defense, so that there is no question about what we have done.

Just sort of reviewing the bidding, the House number on defense was \$197.4 billion, and the Senate number on defense was \$208.4 billion. They

threw everything in but the kitchen sink.

When the continuing resolution came out of the Senate, it provided that the lesser of the two numbers for Defense would apply in the continuing resolution, and that was done on a program-by-program basis, as opposed to the House number versus the Senate number.

The point here is that when you apply those programs of the House against the programs of the Senate, you come out with \$800 million less than the House figure.

Mr. CONTE. That is correct.

Mr. EDWARDS of Alabama. That is not done with mirrors. That is done by our own computing people here in the Appropriations Committee, and I think it is important that Members understand that.

So in the continuing resolution that you have before you today, the Defense number is listed at \$196.7 billion, which is in fact \$800 million less than the House number which you voted for only this past Wednesday. It is also 2.1 percent below the President's budget figures of \$200.8 billion.

Now, if nothing else happens between now and the time this House quits for this session of Congress, that will be the number for Defense, \$196.7 billion. If we go to conference, as we expect to do, and if we come out with a conference report in December, as we expect to do, then the conference number would become the Defense number; is that correct?

Mr. CONTE. The gentleman from Alabama, as usual, is absolutely right.

Mr. EDWARDS of Alabama. And so nothing is done here with mirrors. We show a 2-percent cut, although in reaching the bottom-line total, we do not even count the Defense 2-percent cut to reach that total; is that correct?

Mr. CONTE. That is exactly right.

Mr. EDWARDS of Alabama. So I want anybody who has any confusion in their minds, if they do not understand what I am saying, to at least read the record and see that this thing is done in the proper way. I predict that by the middle of December we will have a good Defense bill, one that will be very near the House bill and one that we can all support.

Mr. CONTE. I might add one thing to the gentleman's statement.

The chairman of the Defense Appropriations Committee (Mr. ADDABBO) and the gentleman from Alabama (Mr. EDWARDS) stated in that conference many times that you planned to go to conference on December 9. I imagine we will have a bill that week.

Mr. KEMP. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from New York.

Mr. KEMP. I appreciate my friend yielding.

Mr. Speaker, as ranking minority member of the Foreign Aid Appropriations Committee, I would have appreciated being in on the conference, but recognizing the problems that not all Members could be included, I understand. And, not being privy to what the conference did on foreign security assistance, can the gentleman tell us what happened to the President's budget with regard to providing security assistance to some of our friends and allies in that part of the world that is so precarious today?

Mr. CONTE. First of all, let me say I am sorry that we did not get as many slots as I would like to have had in the conference, because I know the gentleman would have been a very valuable addition, especially in that field where he is the ranking member and serves so well.

Mr. Speaker, I will say to the gentleman that I tried to offer a substitute motion on the foreign aid section which was, in essence, the Kasten proposal over in the Senate. That would have taken care of many of the commitments, not all of them. We only had \$500 million where the administration wanted \$700 million in that proposal. We lost out, that is unfortunate.

What happened was that the chairman of the committee, the gentleman from Mississippi (Mr. WHITTEN), accepted an amendment offered by Mr. LONG, the chairman of the subcommittee, for \$500 million additional over the formula that we had in our continuing resolution, which was the House or the 1981 figure, whichever was lower. Chairman LONG put in an amendment for \$500 million; \$300 million for military assistance, and \$200 million for economic assistance, which I amended and split the \$200 million for economic assistance into \$100 million for the Economic Support Fund and \$100 million for the Export-Import Bank.

So all that we got was the \$500 million; \$300 million for military assistance, \$100 million for the Export-Import Bank, and \$100 million for economic assistance.

Mr. KEMP. If the gentleman will yield further, I think the gentleman and I would concur on at least one aspect and that is the figure is too low with regard to not only the President's budget, but it is too low with regard to the vital security needs of our friends in those parts of the world in which there are so many dangers.

Security assistance programs are an integral part of the overall defense efforts of this country. We do not have the resources nor the inclination to act as the world's policeman, yet this Nation has vital interests that extend worldwide. Our security is inextricably linked with the strength and security of key nations which, without U.S. military assistance, would be subject

to intimidation or worse by unfriendly foreign powers.

Just as the unprecedented Soviet military buildup has threatened U.S. national defense, so have massive Soviet arms shipments to client states escalated the threat to the security of pro-West governments in many regions of the world. Over the last 10 years, Soviet bloc arms exports have undergone a dramatic increase, as the bloc's share of the total world arms exports has grown from 23 percent to over 40 percent. At the same time, U.S. military assistance has been declining.

These shifts in the pattern of United States and Soviet arms exports have been accompanied by parallel shifts in the number of military advisors and technicians each side deploys in developing countries, and the number of military forces from developing countries trained in the United States and Soviet bloc. The number of foreign personnel trained in the United States has declined by at least two-thirds in the last 10 years, even after adjusting for the conflict in Southeast Asia, while the numbers trained in the Soviet bloc have increased tenfold.

Accordingly, the President has requested Security Assistance and Economic Support Fund appropriations totaling \$7.05 billion. But under the continuing resolution, only \$5.24 billion would be available for these vital programs—nearly \$2 billion less than the President has determined is necessary to support our broad international security interests.

Hardest hit under the continuing resolution funding levels are six strategically important U.S. allies, which are expecting to receive urgent military assistance through the FMS direct credit program. Those countries are: Egypt, \$400 million; Turkey, \$250 million; Sudan, \$100 million; Thailand, \$50 million; Kenya, \$51 million; and Portugal, \$50 million.

Can the gentleman tell us how the low military assistance levels in the continuing resolution will affect our allies so desperately in need of U.S. security assistance?

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Mr. CONTE. I have got to be honest with the gentleman, I am not happy. Of course a little bit is better than nothing and we are glad to get that little bit. But it is not going to have an impact.

However, I might say here that repeatedly through that conference the chairman of the committee kept saying that he met with the Speaker of the House yesterday and the Speaker of the House assured him that we will have a foreign aid bill on the floor of the House before we go home in December.

Then, of course, the administration is going to really have to go to work on that bill and we will have to get that

bill through the House to take care of some of these areas that we have mentioned.

The gentleman is so right. It is just unfortunate we did not do it last night.

Mr. KEMP. One last question. The gentleman remembers that in the full Appropriations Committee the gentleman from Massachusetts, the gentleman from Texas (Mr. WILSON) and myself offered an amendment to add \$300 million to the appropriations bill for that aspect of the President's budget which would have allowed Egypt and Turkey and Sudan and Somalia, Kenya, North Yemen, Portugal, and Thailand the assistance that is so desperately needed. And it seems to me that the proposed level of funding for military aid is one aspect of this conference, which I am going to have to strongly disagree with, particularly because at this vital time subsequent to the assassination of Mr. Sadat, and the threat to Sudan and Turkey it is shortsighted to cut our assistance. We met the other day with President Numeiri of the Sudan and believe me, his life is on the line as he is under attack, if not overtly at least by threats of terrorism from Qadhafi of Libya. Turkey, Egypt, and others deserve our efforts to rectify what I believe to be a big mistake in terms of cutting back on vital military assistance.

It seems to me a terrific mistake if we allow this work of the conference to go forward without restoring those funds so necessary to our allies and friends. I submit, it is in the interest of our Nation's defense interests to restore at least the Kemp-Wilson-Conte amendment to provide a more nearly adequate level of military assistance for these countries.

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Maryland.

Mr. LONG of Maryland. I thank the gentleman for yielding.

The whole colloquy here seems to be running in terms of, gee, we are not giving enough money for vital security needs of our various allies and friends around the world. But there is no intention of dealing with this as a complete foreign aid bill.

The whole purpose of this continuing resolution is to carry on with the minimum needs of the Government and give the real incentive to get a bill. That is the whole aim.

If the gentleman is discontented with the sums of money provided here for all these requirements of Government, get behind a foreign aid bill. That is what we have been pleading with the gentleman for sometime.

I have written the President, written to Secretary Haig and never got an answer, and I think the whole game

was to get along with a backdoor foreign aid continuing resolution.

Now the burden is on the gentleman's shoulders. Get behind a foreign aid bill and have it taken care of.

Mr. CONTE. I have to get moving here because I have to save time for my leader.

Mr. JOHNSTON. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from North Carolina.

Mr. JOHNSTON. Mr. Speaker, a few questions.

This conference report does contain \$241 million for the Legal Services Corporation which was not requested by the administration; is that correct?

Mr. CONTE. That is correct.

Mr. JOHNSTON. It does contain funding for the Consumer Cooperative Bank which was not requested by the administration; is that correct?

Mr. CONTE. Let me tell the gentleman this: That right after this bill I understand that we are going to take up the conference report for HUD and that contains it and the gentleman can make his pitch there.

Mr. JOHNSTON. Under amendment 47, why were the grants allocated on the basis of 1970 census rather than 1980 census?

Mr. CONTE. That is a good question.

Mr. JOHNSTON. Funding for the bilingual education program was against the administration request and was put at \$143 million; right?

Mr. CONTE. Yes.

Mr. JOHNSTON. This conference report does contain a pay increase for Members of this House, does it not?

Mr. CONTE. Yes.

Mr. JOHNSTON. I thank the gentleman.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding.

I would like to go back to the conversation that the gentleman in the well was having with the gentleman from New York and the gentleman from Maryland and say first to the gentleman from New York that his position was very well represented in this conference by the gentleman from Massachusetts and others, and, as usual, the subject of any foreign assistance took more time of the conference than anything else, and that is the way it usually is.

I would say to the gentleman from New York that I agree with the concerns that he has expressed. I think we made one mistake in even talking about these economic security programs as foreign aid programs, because they basically are extensions of our own national security interests.

I would like to have another second if I could to say to my distinguished

friend from Maryland (Mr. LONG), that he tended to imply that the reason the foreign aid appropriations bill has not been on this floor for the last 3 years was because of something we have done on this side.

I would like to say to my dear friend, the gentleman from Maryland (Mr. LONG), that for the last 3 years we have been cajoling the gentleman, pleading with the gentleman, to bring that bill out so that the House could work its will. It is not our fault the bill was never brought out. I do not know whose it was. But it certainly was not our fault. We are ready to go to work on it.

Mr. CONTE. Further answering the gentleman, the gentleman mentioned there was a pay raise for the legislative branch of 4.8 percent, the same as the executive branch.

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Ohio.

Mr. REGULA. I have three questions. On the 2-percent cut, will the administration do this on a program-by-program basis across the board?

Mr. CONTE. Proportionately.

Mr. REGULA. On each program?

Mr. CONTE. That is right.

Mr. REGULA. Second, if the conference agreement is reached, such as on military construction, does that become a controlling figure; in other words, does it come out from under the continuing?

Mr. CONTE. It comes out from under the continuing.

Mr. REGULA. The third question: In the event there is not a conference agreement, what happens in the language provisions in any of the bills that have been adopted by the House and/or the Senate? Do these language provisions prevail?

Mr. CONTE. I would say yes.

Mr. REGULA. I thank the gentleman.

Mr. CONTE. Mr. Speaker, looking at the Labor, Health and Human Services and Education chapter of this conference agreement, I am sure all of us here know how difficult it has been to reach agreement on these vital human programs.

This conference agreement provides total budget authority of \$85,134,135,000. The key component of that total is \$27,850,691,000 in discretionary programs. Funding for mandatory programs totals \$57,284,000,000.

When you compare these totals to the House-passed Labor-HHS bill—H.R. 4560, this conference agreement is \$2,177 million below the House-passed Labor-HHS bill in discretionary funding.

It is even more astounding to note that this conference agreement is \$8.8 billion below the original fiscal 1981 appropriations level for these discretionary programs. That is a tremen-

dous reduction. That is absolutely as far as we could go in finding savings in this bill.

As you know we applied the 2-percent reduction to virtually every program in this chapter. That 2-percent reduction produced savings of \$572 million.

It is important to note as well that a few programs were appropriately exempted from the 2-percent reduction. Among these were the Social Security Administration limitation on administration expenses and funds for administration of the medicare program.

One other funding item that was excluded from the 2-percent reduction in this chapter was the funds provided for construction or expansion of two teaching facilities under section 720(a)(1) of the Public Health Service Act.

The conferees agreed that of the total of \$35,790,000 appropriated, \$20,790,000 is for the construction or expansion of the teaching facility, the Institute for Advanced Biomedical Research at the University of Oregon Health Science Center, School of Medicine, Portland, Oreg., and \$15,000,000 for the construction or expansion of the teaching facility, the Health Sciences Education Building, at the Tufts University School of Medicine, Boston, Mass.

I would like to take a few moments to touch on a few of the program highlights of the conference agreement for this chapter. As I have already mentioned we achieved savings of \$810 million over the House-passed version of the continuing resolution, and nearly \$2.2 billion in savings over the level provided by the regular Labor-HHS appropriations bill for fiscal year 1982 as passed the House.

While we achieved those savings, and we think we did a fine job of reaching this conference agreement—it is a good agreement—we also restored some funding to very vital human service and education programs that represent the very heart of our investment in humanity.

For instance:

For the low-income energy assistance program we added \$140 million to the Senate level bringing it to an annual rate before the 2-percent reduction of \$1,790 million.

For the community services block grant we added \$62.6 million.

For the education block grant under chapter 2 of the Consolidation Act we added \$140 million to the Senate level.

For handicapped education the conferees agreed to add an additional \$69 million to the basic continuing resolution rate in order to fund the program at a level of \$1 billion, \$85 million less 2 percent.

Two other important ones are:

The maternal and child health block grant which the conferees agreed to

bring up to the level of \$362 million, and rehabilitation services which was increased by \$44 million.

The agreement also provides an additional \$64.3 million for the closure and transfer of the Public Health Service hospitals as provided by the President's revised budget request.

Let me just quickly mention before summing up this chapter that we also agreed to an additional \$11 million for the developmental disabilities program, \$10 million for Job Corps, \$45 million for the railroad retirement benefits, and \$25 million for trade adjustment assistance training—all of which are of course subject to the 2-percent provision.

I think you can see that while we have produced tremendous savings totaling more than \$2 billion over the level provided in the House-passed Labor-HHS bill on October 6, 1981, we also did not turn our backs on our key investments in humanity.

TRANSPORTATION

As regards the Department of Transportation and related agencies, the resolution provides for a bottom line reduction of 2 percent in spending from the House-Senate Transportation appropriations fiscal year 1982 conference.

The 2-percent reduction of spending from the conference level of \$10,673,138,000 is a total of \$206,565,000. The reductions represent selective cuts, rather than merely across-the-board reductions.

The total spending level provided Transportation programs under this resolution is now \$10,466,573,000.

For the Coast Guard, there is provided a total of \$2,132,000,000. The operating expenses account is funded at \$1,385,000,000; the acquisition, construction, and improvements program is at \$390,000,000; the retired pay account is provided \$279,000,000.

The Federal Aviation Administration receives a total of \$2,602,000,000 in new appropriations under this continuing resolution. The operations program funding level is \$2,180,000,000; the facilities and equipment level, \$266,874,000, the airport development and planning program is capped at \$450,000,000 under the legislation.

Amtrak is the recipient of a total allocation of \$735,000,000; \$569,000,000 of which is in new appropriations and \$166,000,000 appropriated earlier this year for this necessary National Passenger Transportation System. I am pleased to report that the conferees realized the wisdom of this level of spending. Anything less would have been very difficult for Amtrak to perform its responsibilities.

The Northeast Corridor improvement project is appropriated \$170,000,000; redeemable preference shares, \$37,500,000.

In terms of Conrail labor, the conference report provides for a transfer

of \$210 million from an unobligated Conrail account: \$100 million for work force reduction, \$85 million for labor protection payments to terminated Conrail employees, and \$25 million for rail labor assistance payments.

The Federal-aid highway and highway safety construction obligations are limited to \$8,000,000,000 for fiscal year 1982. The interstate transfer grants for highways is allocated \$307,000,000.

The Urban Mass Transportation Administration is funded at a level of \$3,578,500,000. Of the amount, \$1,413,250,000 is for the urban discretionary grants program plus an additional \$231,000,000 in unused carry-over funds and available for the same grant program; urban formula grants, \$1,366,750,000; interstate transfer grants for mass transit, \$548,000,000, with Boston, Mass., receiving \$125,000,000 of the total amount.

Mr. WHITTEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ALEXANDER).

Mr. ALEXANDER. Mr. Speaker, I appreciate the work that the gentleman has done and I do not want to take much time, but I do want to ask the gentleman a question.

Is this total amount appropriated under this continuing resolution below that amount requested by the President's budget?

Mr. WHITTEN. It is below the President's budget as I understand it. It is considerably below the amount that was approved by the Senate, which I understood was satisfactory to the President. We are about half a billion dollars below the Senate reduction, so we are below what I understood to be the request.

Mr. ALEXANDER. The Congress is trying to do it again. We are adding another year to our record for appropriating less money to run the Government than Presidents wanted to spend. We are managing this even while giving the President the additional \$500 million that he wants for foreign aid.

The President sent word that he wanted the \$428.5 billion spending level that the Senate-passed appropriations continuing resolution contained, even though the House resolution was already below his last budget. And, he insisted we reach that figure while giving him that additional \$2 billion for foreign aid, a request congressional Republicans backed him on at the expense of programs for our people here at home.

This conference report before us now is \$500 million below the figure the President told us he wants. It is \$7.4 billion below the Senate-approved or recommended \$445.4 billion level on regular appropriations bills. It is \$6 billion below the House recommended

or approved \$433.9 billion level on regular appropriations bills.

With the passage of this conference report Congress will have pushed its record for having appropriated less money than Presidents have told us they wanted from 37 years to 38 years since 1943.

Mr. WHITTEN. In answer to the statement, may I say that rumors are all around me, and I am sure the gentleman has heard them, too.

Mr. Speaker, I would like to say to my colleagues that this seems to be a very political year in many, many respects. But in the event that we do not support the actions of this committee, or in the event that the other body does not accept it, or in the event both accept it and it is vetoed, we would be forced to wait until such a veto occurred which would mean a further breakdown in the Government. Then we would have to act to pick up the pieces.

If we are caught in that unfortunate position because of any misunderstandings, the volume of things that could happen are unfortunate.

We brought to the floor a conference report which has the support of the conferees of both houses.

I want to call attention to the fact that if we fail to adopt this conference agreement, and the Senate accepts it, and then if it is vetoed we will have a breakdown in the Government, and we will do our best to pick up the pieces.

We brought to the House a good bill. We are below the President's request. We are below the Senate's cut. We have protected the rights of the legislative branch to determine spending priorities. We have brought out a good bill and we hope the Members will stick with us down the line and not be party to any efforts that might result in a breakdown of the operations of Government.

Mr. SMITH of Iowa. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. In answer to a question a couple of minutes ago, I think some Members might have been a bit misled.

As I understood the question and the answer, it indicated that a department, for example, the executive branch would be able to make 2-percent cuts across the board.

Now as to the Commerce, the part I handle, for example, we made 43 individual cuts to arrive at an equivalent of 2 percent, but they will not be able to make cuts across the board on every program. I believe that is the way it is with 10 of these bills.

Mr. WHITTEN. I think that is true. We wrote into the act that any reduction had to be proportionate so that the executive could not eliminate an activity.

In the past there have been instances where they have claimed that right but where I believe they do not have such authority to make such reductions and ignore the legislative directive. This resolution requires the cuts to be applied proportionately.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Illinois.

Mr. YATES. That is certainly true in the Interior bill as well, which has been approved by the conference report and which has been approved by this House. The conference report that was approved provides for a 2-percent reduction across the board on the items that make up the Interior bill, and we have already in the conference decided where those cuts should be.

The 2 percent will be applied correspondingly to those cuts.

Mr. Speaker, the continuing resolution includes the conference report for the Department of the Interior and related agencies agreed to by the House on November 12, 1981, but does reduce the bill by 2 percent. The decrease of 2 percent reduces the bill by approximately \$150 million from the conference report total of \$7,541,651,000. The decrease has been applied evenly to all activities, subactivities, or projects within the various appropriation accounts. In instances where construction or land acquisition projects cannot be carried out at the reduced level, it is the intention of the managers that reprogramming procedures be followed to permit such projects either to be accomplished or to eliminate them.

The conferees agree that when the Senate takes up the conference report on the Interior and related agencies bill, across-the-board reductions will be made to conform the bill to the level of the continuing resolution. At that time, the reductions and the levels to which they are controlled will be presented in detail.

Mr. WHITTEN. May I call attention to one other fact; our resolution does not change anything that affects the right under the law of a Chief Executive to defer or rescind. So if there are any items in this resolution or in any bill that we pass, that the Executive may differ with he retains the right in law to send up a request for a rescission or for a deferral.

I plead with the Members for their sake and for the sake of the Congress of the United States to stand with the committee.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. PANETTA. To clarify the figures again, what the House passed initially in the continuing resolution was \$430.8 billion; is that correct?

Mr. WHITTEN. That is right.

Mr. PANETTA. What the Senate passed with the Baker amendment reducing the amount there by roughly 4 percent, the figure on the Senate side was \$428.4 billion?

Mr. WHITTEN. That is correct.

Mr. PANETTA. What the conference agreement has come to and what the gentleman brings here is \$427.9 billion?

Mr. WHITTEN. That is right.

Mr. PANETTA. Which is half a billion dollars less than what the Senate had proposed in terms of reductions?

Mr. WHITTEN. That is right; and it leaves me hard to understand any basis for either recommitment or for failure to sign the bill, unless it is because we have retained in the legislative body the right to exercise our constitutional right to determine what the money goes for.

Mr. PANETTA. I might say it is not only below the Senate target as proposed by Senator BAKER, but it is far below the budget resolution target which was established by the Congress.

Mr. WHITTEN. Yes.

Mr. MITCHELL of Maryland. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. I thank the chairman for yielding.

In this printout that is being distributed, it appears to me at first reading that two areas sustained the burden of the cuts. Labor, Health and Human Services, from this reading is down significantly and also HUD.

It looks like the bulk of the cuts were sustained in two programs, although the gentleman said that there was a 2-percent across the board.

Mr. WHITTEN. No; there is not a 2-percent across-the-board cut, entitlements were exempted. In rough figures we determined what the equivalent of 2 percent would do in discretionary programs. If the gentleman looks at it we applied a 2-percent reduction, but we cut by item.

Mr. MITCHELL of Maryland. Am I right in assuming, if the chairman will continue to yield, that these two programs did sustain the heaviest cuts; is that correct?

Mr. WHITTEN. They did sustain cuts, and as the gentleman knows we were under heavy pressure to make more reductions. To the degree that we could, we protected those agencies, but the total volume that is in those two areas is huge. So the dollar amount would appear large, but percentage-wise it was treated as fairly as we could under the conditions we were faced with.

Mr. MITCHELL of Maryland. I thank the gentleman. He does not quite resolve my problem.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. I thank the gentleman for yielding and I commend the gentleman on the hard work he and the committee and staff have done.

Mr. Speaker, as chairman of the Veterans' Affairs Committee I take this time to convey to my colleagues a discussion I had a few minutes ago with the distinguished chairman of the Subcommittee on HUD-Independent Agencies (Mr. BOLAND), with respect to the appropriations for Veterans' Administration health-care staffing. Section 5010(a)(4) of title 38, United States Code, requires the Director of the Office of Management and Budget, after the enactment of each law making appropriations for the Veterans' Administration, to provide the agency with authority to employ under the three health-care accounts the number of employees for which funds have been appropriated.

The accounts are the medical care account, the medical and prosthetic research account, and the medical administration and miscellaneous expenses account. I would also note that section 601 of the Veterans' Disability Compensation, Housing, and Memorial Benefits Amendments of 1981, Public Law 97-66, makes clear that the obligation of the Office of Management and Budget Director to provide those employment levels exists with respect to laws, such as continuing resolutions, making appropriations for periods of less than 1 full year.

Since VA appropriations laws do not themselves specify employment levels for that agency, it is important that the legislative history of any law making appropriations for the VA be clear and specific as to the number of employees for which appropriations have been made in these accounts. I asked Mr. BOLAND what employment levels for the three medical accounts are intended to be funded under the conference agreement. He stated that with respect to the medical care account, funding is provided in the pending measure at the same annual level as was provided in the first continuing resolution for fiscal year 1981, Public Law 97-51, and the employment level intended to be funded under that account during the period covered by this resolution is the same, 186,287 full-time equivalent employees (FTEE's). It should be noted, Mr. Speaker, that this figure does not include the so-called common services adjustment FTEE's. Those FTEE's are in addition to the 186,287 according to Mr. BOLAND.

With respect to the other accounts, the medical and prosthetic research account and the medical administration and miscellaneous operating expenses—MAMOE—account, the overall

funding levels are somewhat lower than was provided under the first continuing resolution. The funding level provided in this resolution for personnel under the research account is thus also reduced to some extent as I understand. Specifically, according to Mr. BOLAND, funds appropriated for the research account are intended to be made for 4,113 FTEE's.

However, despite the reduced level of the appropriations being made for the MAMOE account, no reduction is intended to be made in the personnel area. Thus, in this resolution, according to my understanding, funds are being appropriated for the same FTEE level as in the first continuing resolution, that is, 866 FTEE's.

Mr. Speaker, when I inquired of Mr. BOLAND as to whether it is intended that the overall reduction in appropriations accounts provided for in the pending measure is intended to have any effect on the personnel funding levels for the latter two VA health-care accounts, research and MAMOE, he stated that, to the maximum extent practicable, the reduction is intended to have no effect on appropriations for personnel under those accounts. Any funding reduction in the research account or MAMOE account is intended to be made primarily from nonpersonnel budget categories.

Finally, Mr. Speaker, recognizing that the personnel levels that we have discussed up to this point were based on personnel costs prior to the October 1981 Federal civilian pay raise going into effect, I have also discussed with Mr. BOLAND the effect, if any, the pay raise costs would have on the levels of employment intended to be funded under this resolution. According to the distinguished gentleman from Massachusetts (Mr. BOLAND) with regard to personnel costs in this or any other appropriations act, pay raise costs have no effect whatever on the number of FTEE's for which appropriations are being made in the three VA health-care accounts. The intention is that the additional personnel costs for the number of FTEE's that I have previously specified will be met through some combination of deficiency apportionments in anticipation of a supplemental appropriation and the use of nonpersonnel funds.

If I may make two additional comments, Mr. Speaker, as my colleagues are aware, the medical care account is exempted from the scope of the reduction provision contained in the pending measure. In addition, it should be noted that the agreement reached with the other body in the VA appropriations will provide \$4 million to fund the scholarship program for nurses in fiscal year 1982.

Mr. Speaker, I regret the very able chairman of the Subcommittee on HUD-Independent Agencies is not on the floor at this time. He is extremely

busy with matters other than the Veterans' Administration. But I have had an opportunity to discuss these matters with him on the floor earlier and am most grateful to the gentleman from Massachusetts for the clarifications he has provided. Based on my analysis of VA operations under the three health-care accounts, the personnel levels that he has specified would be adequate for the continued effective functioning of the VA's Department of Medicine and Surgery.

I would also like to point out that the distinguished chairman continues to be most cooperative with us on the Veterans' Affairs Committee and he continues to evidence a deep concern for the well-being of our Nation's veterans. I deeply appreciate his outstanding attention to the needs of all veterans.

Mr. CONTE. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. MICHEL).

□ 1415

Mr. MICHEL. Mr. Speaker, it is only at the end of a session or near adjournment time, I guess, where we would begin by wishing each and every one of you a happy Sunday afternoon. It seems strange that the Government could come to a halt and the Congress reach an impasse over spending issues that do not amount to any more than 1½ percent of the total Federal budget for this fiscal year. It can happen, though, because this conference report is getting to be more a product of symbolism than substance. It represents more a conflict of principles than of programs or their costs. No one seems to agree on the numbers of their impact. They have been imprecise, unpredictable, and unstable; but then we are not accountants around here. We are policymakers and the bottom line here is the reduction of Government spending and, therefore, the reduction in size and scope of Government itself. Therein lies our conflict.

Now, I have been striving all through this process over the weekend to achieve a suitable resolution that the President would sign. I have attended most of the conference meetings in company with my colleagues. Unfortunately, because I am no longer a member of the Appropriations Committee where I served for 20 some years, I did not have a voice. That was rather frustrating, for at times I would like to have spoken up, particularly since here in the House less than a week or so ago we offered a 5-percent across-the-board cut making some meaningful reductions which lost by only 12 or 13 votes. That seemed to say something about the position of this House on making some really substantive cuts.

During the conference my friend, the gentleman from Massachusetts

(Mr. CONTE) was preempted by a Member of the other body from offering a 4-percent across-the-board amendment that would also have made substantial reductions in spending.

Then we had the proposal of the gentleman from Mississippi (Mr. WHITTEN) which cut the reduction to only 2 percent across the board. That is what the conference adopted. In my view, that was not sufficient.

One of the main problems is that the continuing resolution shows reductions below the budget which simply will not hold up.

If you take, for example, medicaid alone, in this resolution it is funded at a level of \$938 million below the President's budget. The additional funds thus will almost certainly have to be provided in a supplemental.

The guaranteed student loan program is \$633 million below the President's budget. It also will have to be made up in a supplemental.

Now, if you take those two, plus military pay and all the rest, you come up to a March supplemental that will be in double digit figures.

We are not kidding anybody with these phony figures around here. We are going to have to face up to the real ones sometime or another or come back and face the music in the spring.

The conference report is over the President's budget in budget authority, in eight domestic appropriation bills. Let me tick them off to you:

Agriculture, \$812 million plus.
Commerce, State, Justice, and Judiciary: \$383 million plus.
Energy and Water: \$375 million plus.
HUD: \$1,626,000,000.
Interior: \$1,104,000,000.
Labor, Health and Human Services, and Education: \$1,041,000,000.
Transportation: \$690 million.
Treasury and Post Office: \$482 million.

Now, as I said, the President has not had an opportunity at all to express himself on those individual bills, most of which would be vetoed, and I submit sustained by this House of Representatives on the strength of the kind test votes we have had here in this body. I do not believe we should be writing into a continuing resolution levels of spending much higher than what the President would accept if the normal appropriations process ran its course.

Now, I had intended when I came to the floor here to offer a straight motion to recommit, not with any feeling that it would automatically pass or be adopted, but that we could at least give the President the flexibility of getting a sufficient number of votes in support of that motion to recommit to sustain a veto if that was his choice.

That is the way I came to the floor this morning.

Now, in view of the conversation I just had with the President within the last 10 minutes, we may want to take a different course.

I note that the distinguished chairman of the Appropriations Committee made mention in the conference that he had waiting in the wings some form of continuing resolution covering some shorter span of time. Let me advise you that the President told me quite frankly that there is no way he can sign this continuing resolution in its present form. He did indicate and suggest the possibility of a simple 15-day extension of the current continuing resolution, so that we might have that opportunity in the interval period of time to develop something which he might find more acceptable.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. CONTE. Mr. Speaker, I yield 2 additional minutes to the gentleman from Illinois.

I hope that the chairman will ask for another half hour. We are getting so many requests, we are down to the wire here.

Mr. WHITTEN. We have an agreement about time on this side.

Mr. CONTE. Would you give our leader a couple more minutes? I have given him 2.

Mr. MICHEL. I might make the observation before yielding to the distinguished majority leader that I told the President that it would be a good thing for him to advise the Speaker, and I am sure that in that period of time between when I talked to him that he has, indeed, called the Speaker.

I personally think the President's suggestion is a reasonable one that would keep the Government operating, but I would be happy to yield to the distinguished chairman of the committee at this juncture.

Mr. WHITTEN. Mr. Speaker, I made the statement earlier, and I have the highest respect for the President as an individual and as my President; but may I say, the legislative body is a co-equal branch, we will have to wait and see what he does. We cannot be reacting to these things and waiting and delaying to see what the executive branch wants us to do.

I understand that the Budget Director is saying that these figures do not fit and they are not satisfactory; but I would like to repeat to the gentleman in the well, this resolution is \$900 million below the budget request. It is \$600 million below the Senate request.

What does the gentleman expect us to do? How much below the President's budget are we expected to go?

Mr. MICHEL. Would the gentleman suggest that there would be no request for significant supplementals next spring?

Mr. WHITTEN. We will have to wait and see what happens.

Mr. MICHEL. Yes, that is exactly right, we will have to wait and see and they will be significant numbers. How long do we want to put off the day of judgment?

Mr. WHITTEN. I say for 2 days we have been over there and the other body did not have any numbers at all to work with. They asked Mr. Stockman down, according to the press, but his figures were different each and every time. Our figure have been carefully compiled and were used finally by the Senate when we got together. Our figures clearly show what I am telling the gentleman.

Mr. MICHEL. Well, I understand our problem on appropriations. We deal in budget authority rather than outlays and when you get into that controversy between those two, I am just as frustrated, as I am sure most Members of this body are, over the failure of our being able to have one uniform base line from which all of us are talking the same tune.

Somehow, to make this budget process work correctly, we are going to have to work to achieve a common base.

I would be happy to yield to the majority leader, if he is asking me to yield.

Mr. WRIGHT. Well, I am really very much amazed and I am just deeply troubled by what the gentleman has just said.

Mr. MICHEL. Well, the gentleman knows I was operating from good faith. I had no reading whatsoever, but there was always a good possibility that the President would veto this resolution.

Mr. WRIGHT. Now, the gentleman was present throughout most of yesterday and the day before. The gentleman knows that Senator BAKER, the majority leader in the Senate, was present. We had every indication and every reason to believe that the President was satisfied with every one of these figures, save one. He wanted a billion dollars or a billion and a half dollars lower in foreign aid.

Mr. MICHEL. No; there was never any indication that that was the case.

Mr. WRIGHT. Now, Mr. Stockman was there. There was never any hint that there was anything wrong with the figures that were coming out.

These figures have a great deal more integrity than some of the figures that were offered to this Congress earlier this year by the executive branch.

Mr. MICHEL. Well, I want to say to the gentleman that when I fashioned my 5 percent across the board, I made the point that I had gone to our own Committee on Appropriations to fashion those figures, because personally I felt comfortable with them all through the years which I had to deal with them.

I think we have a highly professional staff on our committee and certainly would want to do nothing but to applaud their efforts over a period of years. But there was still a question of what base was used and what the outlay impact was, and we did not have this information last night. The fact is that the domestic bills are funded at a level in this resolution some \$6.5 billion or more than what the President proposed in his budget.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, for 2 days we have met on this resolution and I have been with my associates, including the minority leader, the gentleman from Illinois (Mr. MICHEL).

As our majority leader said, we have cooperated in every way that we could with the budget bureau, with our President, with our colleagues on the left and our colleagues on the right.

The only thing that I can say is that mention has been made about the 5-percent cut across the board which was voted on in the House. It did not carry. The House turned it down; but I want to repeat that after 2 days and 2 nights we have agreed on a good resolution and we thought that the President would sign the bill. One major proposal was a request made over there that we add \$2 billion to foreign aid and then go back and make further cuts in domestic programs. We turned that down.

I thought we were wise not to cut more from the American people. I said so then. I am not going to be a party to increasing foreign aid in a bill that originated on the Senate side at the expense of the American people.

Now at the same time, where the President's problems have arisen resulting from Mr. Sadat's death, I went out of my way to provide an additional \$500 million, which I understood was adequate to help our President meet his problems.

So we have brought you a good bill, but we must work together because our Government is like the troika, the three-horse Russian chariot. If we do not pull together, we do not get anywhere.

I want to say here and now that we would have gotten through with our conference, in my opinion, in one-fifth the time if we had not had our colleagues on the other side consulting with Mr. BAKER or Mr. Stockman.

I hope to call the President when I feel I should. I hope he will call me when he feels he should, but if the legislative body ever gets to where it has to call the Executive about what it can do, the horses are not pulling in the same direction.

So whatever he feels that he should do, I feel that he should do it; but we should wait and see what he does and reserve the right to the Congress to

discharge its own functions in its own way, because we are right.

Mr. WATKINS. Mr. Speaker, would my chairman yield?

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma.

Mr. WATKINS. Mr. Speaker, I would like to ask the chairman, did I understand correctly that the problem in this conference is that the President is asking more for foreign aid for foreign countries at a time when he is cutting the Farmers Home Administration, the elderly programs, and many other things, did I understand that correctly?

□ 1430

Mr. WHITTEN. The gentleman could have drawn that conclusion. What really happened amounts to that. The majority leader, Senator BAKER, in the Senate, favored adding \$2 billion to foreign aid, and in his motion to cut 4 percent, he reduced domestic programs.

Mr. WATKINS. Basically, the conflict is the President wants more foreign aid in this continuing resolution.

Mr. WHITTEN. I cannot put words in his mouth. I am just telling the gentleman that is what happened. They did have that problem on the Senate side. We refused to go along.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Mississippi.

Mr. LOTT. Mr. Speaker, clearly in the conference that went on last night there were a lot of other issues other than foreign aid. In Labor-HHS there were a number of issues in dispute and considered. Would the chairman confirm that?

Mr. WHITTEN. The gentleman is correct. And I made the statement that the foreign aid increase of \$2 billion was favored by the majority leader in the Senate. That is as far as I can go.

● Mr. DERWINSKI. Mr. Speaker, the existing ceiling on Federal executive pay is a problem for effective pay administration. Because there is a cap on executive pay and because the salaries of General Schedule employees increase each year, we now have a situation where there are approximately 46,000 employees functioning at eight different levels of responsibility, but they all receive the same salary of \$50,112.

Understandably, many middle-managers and executives are reluctant to accept promotions when there is no additional pay, but that is only one part of the problem. It is becoming increasingly more difficult to attract and retain highly qualified personnel, particularly in such technical fields as engineering, science, and medicine.

Since March 1977, our senior officials in the executive branch have re-

ceived only a 5.5-percent salary increase. In that same period, the Consumer Price Index has increased nearly 57 percent. It also is worth noting that in that same period Federal annuities have increased 42 percent, private sector pay 36 percent, and private sector executive salaries 49 percent. Largely, for those reasons, 67 percent of the career employees at the pay ceiling who were eligible to retire exercised that option.

If we are to arrest the erosion in the quality of our top Federal managers and executives, we have to offer them some incentives. We cannot afford to continue to lose the employees who have major responsibilities for Government administration.

On another subject, I am strongly opposed to any increase in pay for Members of the House and Senate. I supported the move to lift the limit on outside income, but I believe that the drive for legislative economy in Government would be contradicted by any increase in fringe benefits or salary for Members of Congress.

● Mr. GAYDOS. Mr. Speaker, the administration's first round of budget cuts passed through the House with almost all questions unanswered because the ruling coalition was in no mood to answer, and now we are pressed for deeper cuts across the board.

It is time for questions, and some answers.

Is the second round a problem of economics or of politics?

Well, nobody said we needed to go as far as round 2 goes until Wall Street vetoed the administration's economic package; nobody even mentioned a second round until it became clear that what the administration promised was not going to happen.

So, it has all the trappings of a political problem.

Therefore, round 2 has little to do with industrial production, demand, investment, reinvestment, efficiency, incentive or disincentive. Those are economic problems.

It seems to have a lot to do with stalling for time, setting up strawmen, and avoiding embarrassment. These are political problems.

I do not pretend outrage at this, Mr. Speaker, because all leadership must have the latitude to maneuver toward goals, but I do think that what is going on now should be pointed out clearly.

This is the point at which Congress has an obligation to put aside unthinking enthusiasms and stand up to pressures created by masterful public appeals. It is the point at which we must begin sorting out what works from what does not work so that effective things may be preserved.

Among the things that work must be listed the Occupational Safety and Health Administration (OSHA) and

the Mine Safety and Health Administration (MSHA).

I do not contend these agencies have been popular.

I do claim that they have been effective.

MSHA's efforts reduced miner deaths in 1980 to a 10-year low of 236, for example. Mining deaths are down 44 percent from the days before good safety regulation.

Since OSHA's establishment, the death rate among all workers has fallen 28 percent, according to the National Safety Council.

Even though the work force has grown by 22 percent since OSHA was established, we have a reduction in the total number of deaths of 6 percent.

Had the pre-OSHA death rate for all workers held true during 1980, there would have been nearly 17,500 deaths on the job. The Council reported there were 13,000.

MSHA and OSHA met their mandates to reduce death in the workplace; and this, not popularity, is the basis on which they should be judged.

Yet a second round would rip away, without the exercise of any judgment the enforcement and training programs that have brought about these reductions.

And it would sweep them away despite the fact the second round cuts are such a small percent of the \$40 to \$65 billion deficit that the number cannot be found until you move four places to the right of the decimal point. To my mind that is too far to the right to have any relationship to the problem, even a political one.

Furthermore, even the administration's managers at the Department of Labor acknowledge that these reductions are big ones in relation to the work these agencies will be able to do, and that the cut will be of muscle and bone, not fat.

Secretary of Labor Raymond Donovan has told subcommittees of the Congress what will have to be cut.

For OSHA it includes the elimination of:

Nine million dollars for the new directions grants program that benefits management, labor, and academia, and fosters safety and health training; and another \$11 million in contracts, acquisition of technical equipment and grants;

One hundred and seventy-nine jobs in Federal enforcement, about 10 percent of the whole, which in turn means 3,500 fewer inspections and 3,000 fewer chemical samplings;

And about 258 positions overall.

For MSHA it means:

Five hundred fewer employees, which is a scattering of a highly trained and effective work force that will not be easily reassembled;

A shorter work week for those who remain;

A trust-me program for correcting dangerous conditions when inspectors find them; the administration calls it "self-certification of violation abatement."

And a 10-percent reduction in the number of inspectors in mines.

Meanwhile, the real goal of all this budget and tax cutting is supposed to be increased mineral and industrial production.

Success here would mean more miners in mines, particularly coal mines, the most dangerous, and more workers in the factories, foundries, and mills.

Meanwhile, we have reduced, and are asked to reduce further, the provision made for worker safety and health because the people demanded it.

Will these cuts mean we can expect the once-shrinking death rate in our factories and foundries to rise as activity increases and enforcement decreases?

With more miners in the mines, particularly coal mines, the most dangerous, and less attention given to perfected and proved enforcement, what will happen to the truly successful 44-percent reduction in mine deaths? Can we grimly anticipate self-certified disasters and roof falls?

The United Mine Workers are so concerned about the situation that President Sam Church has raised the possibility of a safety strike.

So this too is a problem, although not of the same political nature as the one brought on by an overgenerous tax cut, which caused a bigger than expected deficit, which caused the Wall Street veto.

In the context of the budget and the deficit, some who helped plan the economic program now are talking about "revenue enhancements" because they need more tax income; it is a way of avoiding the mention of their tax cuts and tax increases in the same fiscal year.

What term will their phrasemakers dream up to disguise the increase in the deaths in the mines and factories and foundries?

I agree with those who would call it needless tragedy.

Such an increase would be the effect of a cause we should understand now—an unreasoned attempt to avoid political embarrassment.

OSHA and MSHA work, and this is the point for Congress to step in to see that they continue to work.

● Mrs. SCHROEDER. Mr. Speaker, as chairwoman of the Subcommittee on Civil Service, I am acutely aware of the problems caused by the continuation of the pay cap. I am also aware of the fact that our employers, the taxpayers, do not think any of us, Member of Congress, Cabinet officials, or career civil servants, deserve a raise. I am also aware of the fact that the

conference committee has presented us with another one of their familiar packages, containing both justifiable changes and ridiculous boondoggles. For these reasons, I must oppose the pay raise.

So the record is clear, let me list some of the problems with the pay cap. One, the cap has resulted in compression, which means that four, five, or six levels of agency management are paid the same amount of money. This is detrimental to management. It also makes it hard to convince employees to take promotions and greater responsibilities. Two, since retirement payments are adjusted for the Consumer Price Index and salary is capped, we pay people more to retire. When someone retires, we have to pay him both as a retiree and his replacement as an employee. So, the taxpayer pays twice. Three, the basic concept behind the Civil Service Reform Act of 1978 was that pay was supposed to be based on performance. The Senior Executive Service and merit pay were both established on this idea. The cap, obviously, defeats this purpose and undermines civil service reform. Four, capped pay means the best leave Government and recruitment becomes more difficult.

Yet, the package contains not only the lifting of the cap for career civil servants, but also raises the pay of everyone on the Executive Schedule, including Cabinet Secretaries, and Members of the House—but not of the Senate. Further, it makes the limitless tax deduction for Members of Congress retroactive to January 1. Obviously there is something a little bit hokey about a pay raise for Members of the House, but not Senators. The retroactive application of the tax deduction will make Members of Congress and corporations the two tax-free entities in the country. The whole deal smells funny and my constituents are not going to buy it.

The taxpayers have not been convinced that any of us deserve a raise. I think they can be convinced, but only one person has the clout to do that. President Reagan not only could sell a pay raise, he also has the organizational responsibility to do so. The executive branch is his. Those under the cap are his employees. If they need a raise, commonsense and decency suggest that the President should ask for one. So far, he has not done so. He has sent representatives to do so. Yet this issue is sufficiently controversial and public for the President to use some of his prestige to argue for a raise.

I do not intend to vote for a pay raise until the mood of taxpayers changes. President Reagan is the one person who can change that mood. It is time for him to stop playing coy and start the selling job that is needed.

● Mr. JEFFORDS. Mr. Speaker, although I will vote for the conference

report on the continuing resolution, I feel that overall it was a reasonable attempt to provide additional cuts; I will vote with serious reservations.

My most serious reservation was in the employment training programs. I have set forth below language a table that illustrates how drastic the cuts are that were made this year. I intend to bring this serious matter to the attention of the next set of conferees, as I expect this conference is not yet over. I would hope that in view of the rising unemployment in America in general, and of our youth in particular, that they will reconsider these horrible cutbacks.

Employment and training, title II-A, B, and C: 1981 level, \$2,101 million; 1981 reconciliation, \$1,430.8 million; conference report \$1,176 million.

CETA, title IV-A: 1981 level, \$825 million; 1981 reconciliation, \$576.2 million; conference report, \$194 million.

Mr. Speaker, I sincerely hope that in the next conference meeting this grave situation will be rectified.

● Mr. McHUGH. Mr. Speaker, I would like to point out to my colleagues that this conference report maintains the integrity of some important nutrition programs. The conference agreement on the continuing resolution reaffirms our national commitment to supplemental feeding of women, infants, and children through the WIC program and the commodity supplemental food program (CSFP).

The resolution maintains without additional cuts the funding levels for WIC and CSFP provided by the conference agreement on the fiscal year 1982 agricultural appropriations bill (H. Rept. 97-313). The resolution provides \$942 million for WIC, which must be combined with fiscal year 1981 carryover funds and fully used during the current fiscal year to bring overall fiscal year 1982 average participation as close to 2.2 million persons as possible. As a result, the Secretary must restore WIC participation to the 2.2-million level promptly and then maintain it at this level. The resolution provides \$31 million for CSFP.

The resolution also incorporates the directions in the appropriations conference agreement that one-quarter of the \$942 million be allocated to States promptly at the beginning of each fiscal quarter. Since the beginning of the first quarter is behind us, all remaining first quarter funds—about \$145 million—would have to be allocated immediately upon enactment.

This immediate allocation is needed to avoid possible closings of many WIC programs shortly after November 20. Any such shutdown of a WIC program or any caseload reductions would clearly be contrary to the joint resolution. Consequently, if apportionment of funds is required before the funds are allocated to States, the apportion-

ment must be done immediately in order that the allocations can be readily dispatched to the States. It is clear that any interruption in WIC funding would not be consistent with the resolution.

I am also pleased that the conferees included a provision regarding a deferral or rescission in the WIC and CSFP programs. The provision specifies that the program must be operated at the funding level and in the manner provided for by the resolution; that is, at a participation level of close to 2.2 million, unless and until such time as a rescission or deferral is officially transmitted. In addition, the provision specifies that a rescission or deferral may only be transmitted at a time when Congress is in session and is able to act on such a request. A deferral or rescission for WIC or CSFP may not be transmitted while Congress is out of session. Similarly, any deferral or rescission transmitted while Congress is in pro forma session or when Congress is in the final days of a session prior to an adjournment sine die will have no effect until such time as Congress reconvenes in a regular session. This assures that no deferral or rescission regarding these programs shall take effect until such time as Congress can expeditiously consider and respond to the matter. As a result, if a deferral or rescission is requested when Congress is out of session for its Christmas recess, or in the final days before a recess begins, the reduced funding levels sought by the administration would not take effect until Congress returned from its adjournment.

In addition, the conference report requires that during any time in which a rescission or deferral is in effect, the Secretary must allocate States enough funds to maintain current participation. The first continuing resolution required the maintenance of participation levels, and while the administration did submit a deferral earlier this month for the WIC program, it did so in such a manner that current participation levels—September 1981 levels—were maintained. The conference report takes note of this fact, and requires that sufficient funds be allocated so that participation levels are maintained during any future deferral or rescission. In other words, only that portion of the funds appropriated which are not required to maintain September 1981 participation levels may be withheld during the period that a deferral or rescission may take effect.

Finally, I am grateful that the conferees have noted that no withholding for these programs is anticipated. These are excellent programs. They have a proven track record. They deserve the strong congressional support that has been exhibited all year long

and is demonstrated again in this joint resolution.●

● Mr. FRENZEL. Mr. Speaker, it is not unusual for the House to find itself in the situation that confronts us today. We have done it before, and we shall undoubtedly do it again.

The impasse is not entirely of our making. There are at least two other major players in this game; namely, the Senate and the President. Each has strong feelings about Federal spending for fiscal year 1982.

Our process is designed to delay important decisions until the last minute, and more often than not, it results in at least a temporary stalemate.

On this particular stalemate, there are more sticking points than usual. The disagreement over the various figures used by various parties to the dispute is a good case in point. The administration thinks the resolution is more expensive than the House managers claim. I agree with the administration.

The Appropriations Committee uses budget authority, while the Budget Committee and the administration use outlay numbers. The Appropriations Committee, in addition and as usual, has failed to fund salary increases, principally for military, which it knows will have to be paid. Moreover, it reduced mandatory entitlement funding items like Medicaid, which also will have to be paid.

Obviously, the committee, in bringing us this resolution, is not telling us much if anything, about the supplemental appropriation that will be needed next year to cover those wage expenses and those entitlements. I do not know whether it will be \$10 billion or more, but I do know it will be huge.

That big, additional appropriation is part of the problem that worries the administration. It worries me, too. Our outlays this year are clearly going to exceed by a substantial amount the figure we approved in the first budget resolution. For that reason, I shall support the threatened veto, if it is in fact, cast.

It is a little difficult to sort out the various figures. Nonetheless, it is clear that our spending is out of control again, and our deficit for this year is likely to be more than twice the \$42.5 billion we voted for in the first budget resolution. That means we must make more reductions.

I urge a vote for the motion to recommit so our conferees can make more careful reductions. If that fails, I urge a "no" vote on the continuing resolution.●

● Mr. SMITH of New Jersey. Mr. Speaker, I rise in opposition to the continuing resolution conference report and cite two principal reasons for doing so.

First, I object to the inclusion in the continuing resolution of a substantial congressional pay raise, a raise of

almost 5 percent for Members of this body. At a time when we are struggling to reduce Federal expenditures, I believe we are sending precisely the wrong message and signal to the people back home if we adopt this pay hike.

Second, Mr. Speaker, I cannot accept the additional cuts to health and human services and educational programs as the conference report would do. It is my understanding that the conferees agreed to slash an additional \$780,730,000 off the House-passed HHS-Education appropriations measure. I believe this action to be ill advised and not in the best interests of those dependent on the myriad of social programs that come under the auspices of these Federal agencies.●

● Mr. HOLLENBECK. Mr. Speaker, I rise to note my concern over circumstances surrounding House Joint Resolution 357, the continuing resolution for fiscal year 1982. A resolution of this type is necessary because the Congress has been unable to complete final action on a number of appropriation bills. I am deeply concerned over the fact that with greater frequency Congress is addressing spending matters through continuing resolutions and, in reality, ducking its responsibility on spending public moneys.

I would like to point out that expeditious passage of a resolution or an extension of the current measure is essential because it becomes technically impossible for the Federal Government to open its doors. In addition, some strain will be placed on Federal workers who are threatened with not receiving paychecks. I, for one, place part of the blame for this unfortunate situation on the vacillating viewpoints emanating from the White House. Over the weekend, original indications were that the conference agreement was acceptable to the President. As a result most Republican conferees from the House and all from the Senate signed the conference report which adopted a continued funding plan. However, yesterday we learned that the President was threatening a veto. That threat has now become a reality, even though the spending figures in the measure are substantially those urged by the President at one time or another.

Mr. Speaker, this is not a very commendable record of performance. I firmly believe that the public will soon tire of the buck passing games the executive branch and Congress are playing. As the first session of the 97th Congress draws to a close we see Government by default, default caused by inconsistency, inaction, and constantly shifting direction. Again, I view this last minute resolution as a prime example—a resolution necessary because of legislative inaction, largely on the part of the Senate, which until recent-

ly had not even passed one appropriation measure. Mr. Chairman, one might observe after nearly 5 years in the House watching the Budget process that my Senate colleagues sometime overlook their primary responsibility to the people who elect them. And one might also observe that using the tactic of frightening public employees and those in need of Federal assistance is hardly statesmanlike or true leadership.

I supported the continuing resolution extending to December 15, 1981, the temporary spending levels. I did so with reluctance because of my above stated concerns. But I should add that I feel strongly that the December 15 date is far superior from a policy standpoint than that of February 3, 1982, as proposed by the majority. That latter date would push important decisions into a time of involvement with the fiscal year 1983 budget and other issues which could further complicate matters.

I will not, at this juncture, commit myself to a favorable vote on a further continuing resolution except to say that I will only support a resolution which is balanced and fair with regard to all segments of the budget and, most important, the public.●

RECESS

The SPEAKER. Pursuant to the order of the House of November 19, 1981, the Chair declares the House in recess until approximately the hour of 3:30 p.m.

Accordingly (at 2 o'clock and 30 minutes p.m.), the House stood in recess.

□ 1510

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 3 o'clock and 15 minutes p.m.

The SPEAKER. The gentleman from Massachusetts (Mr. CONTE) has 1 minute remaining.

Mr. CONTE. Mr. Speaker, if I could have the attention of the chairman, I wonder is there any possibility of asking unanimous consent to go for another 10 minutes, 5 minutes for the majority and 5 minutes for the minority?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I had thought that we might ask unanimous consent for an additional 30 minutes to be equally divided, 15 minutes to the side.

Mr. CONTE. That would be great.

Mr. WRIGHT. I do, Mr. Speaker, if I am recognized for that purpose, ask unanimous consent that there may be an additional 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. CAMPBELL. Mr. Speaker, reserving the right to object, I reserve the right to object to inquire first as to whether the length of time of 30 minutes is not unduly long since we are in a procedural problem as to what is going to take place. Could we not accomplish the same thing with a shorter period of time and not prolong?

The SPEAKER. In the opinion of the Chair, we are going to be here for hours. I do not think a half hour makes that much difference.

Mr. CAMPBELL. Would it be all right if I inquired?

The SPEAKER. I would tell the Members of the House that they ought to be prepared for a long session into the same hours of the night and in the morning as we went yesterday, as I read it right now.

Mr. CAMPBELL. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that there may be allowed 20 additional minutes to be equally divided, 10 minutes to the side, on this motion.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. SENSENBRENNER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. CONTE. Mr. Speaker, I ask unanimous consent that we proceed for 10 additional minutes.

I have so many requests on my side that I would ask for 5 minutes for the majority and 5 for the minority.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DANNEMEYER).

Mr. DANNEMEYER. Mr. Speaker, I am privileged to represent in this Chamber one of the most famous tourist attractions of the world, Disneyland USA. When I came here 3 years ago I was firmly convinced that make-believe was at Anaheim, Disneyland, and this was reality. I can tell you my initial perception was all wrong. My friends, it is just the opposite. This is make-believe.

We are about to consider the adoption of a proposal that will fund the functions of the Central Government for 8 months. If we approve this proposal, what we are doing is abdicating our responsibility as Members of the 97th Congress to establish levels of spending for the programs essential to this country to the level of those spending levels which were adopted by

the 90th, 91st, 92d, and all through the 96th Congresses.

□ 1520

Now, as for you, my friends, I am not about to do that. There was an election in November 1980 when the people of this country said they wanted a different direction. And I think we should give them that different direction. And how do we do it? We have a President downtown who has the courage of his convictions to say we must rein in irresponsible spending and the duration of the continuing resolution.

What really is at the bottom of this whole drill we are going through? It is very simple. The barons of the Congress of the United States are determined that this President will not have the ability to lower levels of spending by this Congress.

These barons say, "Who is he to suggest that the levels of spending should be lowered?" Why else would these barons want to remove from the President's consideration the review of appropriation bills which is his responsibility?

A proper duration for this continuing resolution would be 15 to 30 days. Anything beyond this short period is an effort to frustrate the efforts of a determined President to closely review individual appropriation bills and veto them where they exceed reasonable limits.

While the final version of the continuing resolution is economically unacceptable because it fails to make the additional budget cuts necessary for a sustained economic recovery effort, I will leave it to others to discuss the dollars and cents of the resolution. Rather, I speak in opposition not to concentrate on the contents of the resolution, but to discuss the fact that we are considering a continuing resolution and what this means for future economic policy.

Earlier this year it appeared that Congress was reluctantly doing what needed to be done for a long time—check the rate of increase of Federal spending. The perception was created that, albeit reluctantly, Congress could invoke some fiscal discipline with the help of a determined President and a vociferous public. Through the reconciliation process a total of \$35 billion was cut from the fiscal year 1982 budget. It looked as though we were finally turning the corner—a process that began with the passage of the Budget and Impoundment Control Act of 1974. The new congressional budget process was supposed to reverse the pattern of bottom-up budgeting whereby the House and Senate considered individual spending decisions in isolation and hence without regard for the impact of the total level of spending on the national economy.

The budget and appropriations processes were supposed to work together. The two budget resolutions were designed to establish upper limits and the appropriations bills were to fit within the ceilings of the budget resolutions. In this manner, rational decisionmaking would produce a final product that took into account the overall economic picture as well as the perspective of narrow interests bent on more Federal spending.

Earlier this year the whole process seemed to come together for perhaps the first time. A first budget resolution was enacted that reflected the need for spending reductions in order to reduce Federal borrowing, and in turn the level of high interest rates. Reconciliation instructions from the first budget resolution produced a package of cuts to bring the budget in line with economic reality.

Since then, however, the process has slipped—and slipped badly. The second concurrent resolution on the budget for fiscal year 1982, the final binding ceiling on the aggregate budget, was supposed to have been passed by September 15, 1981. We are now standing a full 2 months and 6 days later—and no second budget resolution. Despite that fact, the House went ahead and passed all but two of the regular appropriations bills. These bills were considered and adopted as if we had never gone through the process earlier in the year of trying to come to grips with excessive Federal spending. The cart and the horse were reversed. The second budget resolution is now a paper tiger, at best. Rather than the appropriations bills reflecting the aggregate limits of the economic needs of the Nation, the second budget resolution will merely be the sum of the individual decisions already made to date. It will be merely a formality and nothing more than that—unless we seize upon its consideration as an opportunity make a statement about spending in fiscal years 1982, 1983, and 1984.

Now we come to the continuing resolution. For the third time in this calendar year, and for the second time in the short period elapsed to date in the new fiscal year, we are resorting to a mechanism that is supposed to be used sparingly and only as a stop-gap means of funding the Government. Yet we will fund all or most of the Government with this device for the third time in calendar year 1981. The use of continuing resolutions is a shameful exercise in economic brinksmanship. It represents the last ditch attempt of the big spenders in this institution who have yet to appreciate the need for less Federal spending, rather than more. The continuing resolution is a perversion of the legislative process. It makes the consideration of the regular appropriations bills academic. It locks in high rates of

spending, if only for a short period of time. No matter, the damage will have been done.

Mr. Speaker, many Members of this institution are fond of falling back on the provisions of article I of the Constitution wherein the House of Representatives is given the "power of the purse." With power, comes responsibility. With responsibility comes the duty to exercise it in a prudent manner consistent with the national interest. Passage of this continuing appropriations resolution for a substantial period of time is a fiscally irresponsible act and a dereliction of duty.

The long-term implication results from the shifting of the process back to the days when spending was not properly restrained. The nature of the process helps to shape the outcome. Failure to pass, and abide by, a restrictive second budget resolution—and now both the content and consideration of this continuing resolution for fiscal year 1982 appropriations—reveals that the 1980 election and its mandate have failed to teach the old dog of Congress any new tricks.

Once again, we have yielded to the temptation to spend other people's money without regard for the consequences of that decision. And, once again, the economy and the Nation will suffer.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, this is an unfortunate pass that we have come to. All of us who participated, even vicariously, in that conference are shocked and disappointed.

I have in my hands the signatures to the conference committee report. Every Senate Member of the conferees signed the conference committee report. All of them had every reason to believe that the President would sign it.

The President called and talked with me yesterday morning. He asked if I would help him to get a little bit more money for some of the critical, crucial needs of foreign operations. I talked with the gentleman from Mississippi (Mr. WHITTEN), to whom the President also had talked. Efforts were made to do what he requested.

In direct response to the President's request \$500 million more was provided for the immediate foreign assistance needs that exist today. The House conferees stood ready, at one point, to raise that to \$700 million.

Last night I was asked by a representative of the State Department if House conferees could not give a billion and a half more for foreign assistance. I said, "There is no way we could take that much more out of the domestic programs that already have suffered as much as they have. If the President were willing for the total cost of the bill to go up in order to ac-

commodate that much more foreign aid, perhaps we could."

He called me back, after having talked with the White House, and said that would be all right, "You could raise the total if you wanted to put it all in foreign aid." That, apparently, was all right as recently as midnight.

And so today we are told that there is too much money being spent. That claim is as phony as a \$3 bill. It is just not true. There cannot be any honest apprehension on the part of the White House that there is too much money in this bill. The conference report that comes before us now, contains less than the Senate bill which the President reportedly was ready to sign. It is \$427,875,510,000: That is \$600 or \$700 million less than the Senate bill of \$428,465,319,000.

So I do not understand, unless the President simply wants the theatrics of bringing the Government to a halt. Well, let us not be parties to that.

If the gentleman from Illinois has a motion to recommit, I think he has the responsibility to place in that motion whatever it is that the President demands so that we can know exactly what he is insisting upon. And, absent that, I implore my colleagues to respect the integrity of this Chamber and of the Congress to the extent that we do not just absolutely surrender our total prerogatives, allowing the White House and David Stockman who, ironically, represents that our figures are not sufficiently believable, to dictate to us exactly what we may and may not do.

Never has that power lain with any President. Never has any President presumed to assert the right to tell Congress how much it may and may not spend on each line item. The Constitution clearly preserves that for the Congress of the United States. The very first article of the first section of the Constitution preserves those rights to the Congress of the United States.

Now, we have fulfilled those rights in good faith. We in the House have passed 12 of the 13 regular appropriations bills and have waited only for the President to give us some indication as to what he wants on the 13th. That one is the foreign assistance bill.

Eight of those appropriations bills that have been passed by this House have been awaiting action in the Senate for more than 3 months—more than 3 months. Three of them have been awaiting action for more than 2 months. How can the President imply, then, that we in the House have been less than responsible?

The total spending authorized by those bills comes to some \$3.5 billion less than the amount that was requested of us for those exact functions by the President last March.

What does he demand? He has not told us wherein he finds these figures in this bill unacceptable to him. Would he not be willing to allow this bill to go into effect, that being the manifest will of the Senate, as well as the House, for a period of time that preserves the Government from falling over the precipice?

If we had other figures, if we knew what the President would accept, perhaps we could consider them. And I think the minority leader has that responsibility if he offers a motion to recommit. In the absence of such information, we have no honorable choice but to support the product of the conference.

Mr. CONTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, if I might engage the distinguished chairman of the committee in a simple exchange here, as the gentleman knows, I would be prepared to offer a straight motion to recommit. There have been those who have inquired why it would not be with instructions of some sort, to bail us out of this situation.

We have a scope problem here, if we were to take the current continuing resolution and extend it for 15 days. We also have a scope problem if we were to take the resolution that has been before us today and extend it for 15 days. That could be obviated, however, if the motion to recommit would prevail. The committee would go back and, of course, then we would have to fashion a rule quickly. That takes two-thirds, and I know there would be little notice, but it could be done.

I would like to ask the distinguished chairman of the committee what his feelings are on a short-range extension?

□ 1530

Mr. WHITTEN. May I say to my colleague, the minority leader, with whom I have worked very closely through the years, I speak from my heart when I say that the most serious thing facing me and facing us, in my opinion, is the executive branch and the legislative branch getting at loggerheads. I am talking about not this particular action, but just getting to where we are completely at cross purposes.

If we can prevent that, I think we render a great service.

I was asked just a moment ago by one of my colleagues from Tennessee about the possibility of extending the resolution now before us and changing the date of July 15 to a short period while we find out what the objection is. I am serious when I say if we can prevent a complete breakdown between the executive and the legislative, I think we will render a great public service.

If the Speaker saw fit to have a brief recess, where I could talk to the leadership on this side and see what they thought about it, I think it is worth considering.

Offhand I am not in any shape to say yes or no, but it does offer some possibility of perhaps preventing what looks like a complete stalemate between the executive and the legislative. I do not know whether the Speaker will see fit to have a short recess while we discuss other alternatives.

Mr. CONTE. Mr. Speaker, I want to ask my chairman a question.

I do not feel that there is a scope problem. We could offer a motion to recommit for a continuing resolution to a date certain, December 15. As I see it, under amendment 71, section 140, it says:

Notwithstanding any other provision of this joint resolution, this resolution, other than section 101, 142, 144, shall expire on March 30, 1982.

Therefore, that is standing there naked and it would be in order to amend that to make it December 15 or December 18, 1981.

Mr. WHITTEN. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Mississippi.

Mr. WHITTEN. What I was saying and I should not take the view of ruling it out but other alternatives are possible.

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Texas.

Mr. WRIGHT. I thank the gentleman for yielding.

My suggestion of a moment ago that we ought to have some instructions in the motion to recommit does not deal with the date. It is not a question of the date, it is a question of the substance. What is it that the President wants us to do?

Mr. CONTE. I would like to get from my chairman whether he feels—and I know there is no one that knows more about parliamentary rules than the gentleman from Mississippi, being here 40 years—it would be in order to have a motion to recommit with instructions to make the continuing resolution until December 15?

Mr. WHITTEN. In the first place, the gentleman is asking me about the rules. I am not an expert on the rules, but I presume any motion to recommit with instructions could go to any part of the instrument we are dealing with.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to the gentleman from Illinois.

Mr. YATES. The gentleman was in the conference. The gentleman was one of the leaders to get the conference report signed. Everybody followed the gentleman's leadership.

Why does the gentleman want a change at this time? What is it that the President wants? Nobody knows what he wants.

Mr. CONTE. Listen, I spoke on my feelings on this conference report and they have not changed a bit. But I think that we should know, and now I ask, in view of the fact that I did not get an answer, Mr. Speaker, I ask a parliamentary inquiry.

PARLIAMENTARY INQUIRY

The SPEAKER. The gentleman from Massachusetts (Mr. CONTE) will state his parliamentary inquiry.

Mr. CONTE. Mr. Speaker, the parliamentary inquiry is that on a motion to recommit can the date for the continuing resolution, the expiration date of July 15, be changed to an earlier date before July 15?

The SPEAKER. That motion could only be considered by unanimous request because it would not be within the scope of the differences between the two Houses which have been committed to conference regarding termination dates.

Mr. CONTE. I thank the Chair. That is the answer I want.

Mr. WHITTEN. Mr. Speaker, I do not feel that I could recommend that. I would be glad to discuss it if we had a brief recess but the Members do not seem to wish that. I personally would not be in a position to agree.

Mr. DAUB. Mr. Speaker, I rise today in vigorous opposition to the proposal included in the conference report on the continuing resolution which would give the Members of this body a raise in pay.

How can we ask our constituents to sacrifice for the good of a Nation—while—at the same time we raise our salaries. This proposal amounts to a cynical confidence trick on the American taxpayer.

Mr. Speaker, the power of this body to enrich its Members at public expense is an awesome one. When this power is exercised—the issue ought to be faced squarely, and publicly—not as it is presented here today, buried in the back pages of a budget document filled with the real issues of the day.

I recognize the gravity of the situation we find ourselves in today. The funding deadline draws dangerously near. How easy it would be to take advantage of this situation—which, frankly, we have created—and hide behind the budget deadline while voting our personal wallets—rather than the public will.

Mr. WHITTEN. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the conference report?

Mr. MICHEL. I am, Mr. Speaker.

The SPEAKER. Did the gentleman sign the report?

Mr. MICHEL. The gentleman did not have a chance to.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MICHEL moves to recommit the conference report on the joint resolution, House Joint Resolution 357, to the committee of conference.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker announced that the noes appeared to have it.

RECORDED VOTE

Mr. MICHEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 215, not voting 34, as follows:

[ROLL No. 332]

AYES—184

Archer	Evans (IA)	Martin (IL)
Ashbrook	Fenwick	Martin (NC)
Atkinson	Fiedler	Martin (NY)
Badham	Fields	McClory
Bafalis	Findley	McCollum
Bailey (MO)	Fish	McDade
Beard	Forsythe	McDonald
Benedict	Frenzel	McEwen
Bereuter	Gilman	McGrath
Bethune	Gingrich	McKinney
Bliley	Goodling	Michel
Broomfield	Gradison	Miller (OH)
Brown (CO)	Gramm	Mitchell (NY)
Brown (OH)	Green	Molinari
Broyhill	Gregg	Moore
Burgener	Grisham	Moorhead
Butler	Gunderson	Morrison
Campbell	Hall, Ralph	Mottl
Carman	Hammerschmidt	Napier
Carney	Hansen (UT)	Neilligan
Chapple	Hartnett	O'Brien
Cheney	Heckler	Oxley
Clausen	Hendon	Parris
Clinger	Hiler	Pashayan
Coats	Hollenbeck	Petri
Coleman	Holt	Pickle
Collins (TX)	Hopkins	Porter
Conable	Horton	Pritchard
Conte	Hunter	Pursell
Corcoran	Hyde	Quillen
Coughlin	Ireland	Railsback
Courter	Jeffords	Regula
Coyne, James	Jeffries	Rhodes
Craig	Johnston	Rinaldo
Crane, Philip	Kemp	Ritter
Daniel, R. W.	Kindness	Roberts (KS)
Dannemeyer	Kramer	Roberts (SD)
Daub	Lagomarsino	Robinson
Davis	Latta	Roemer
Deckard	Leach	Rogers
DeNardis	LeBoutillier	Roukema
Derwinski	Lee	Rousselot
Dickinson	Lent	Rudd
Dougherty	Lewis	Sawyer
Dreier	Livingston	Schneider
Dunn	Loeffler	Schulze
Edwards (AL)	Lott	Sensenbrenner
Edwards (OK)	Lowery (CA)	Shaw
Emerson	Lujan	Shelby
Emery	Lungren	Shumway
Erdahl	Marks	Shuster
Erlenborn	Marlenee	Siljander
Evans (DE)	Marriott	Skeen

Smith (AL)
Smith (NE)
Smith (NJ)
Smith (OR)
Snowe
Snyder
Solomon
Spence
Stangeland

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Bailey (PA)
Barnard
Barnes
Bedell
Beilenson
Benjamin
Bennett
Bevill
Bingham
Blanchard
Boggs
Boland
Bonior
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Brown (CA)
Burton, John
Byron
Chappell
Clay
Coelho
Collins (IL)
Conyers
Coyne, William
Crockett
D'Amours
Daniel, Dan
Danielson
Daschle
de la Garza
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (CA)
English
Ertel
Evans (GA)
Evans (IN)
Fary
Fascell
Fazio
Ferraro
Fithian
Flippo
Florio

Foglietta
Foley
Ford (MI)
Ford (TN)
Fountain
Fowler
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Ginn
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (OH)
Hall, Sam
Hamilton
Hance
Harkin
Hatcher
Hawkins
Hefner
Heftel
Hertel
Hightower
Holland
Howard
Hoyer
Hubbard
Huckaby
Hutto
Jacobs
Jenkins
Jones (TN)
Kastenmeier
Kazen
Kildee
Kogovsek
LaFalce
Leath
Lehman
Leland
Levin
Long (LA)
Long (MD)
Lowry (WA)
Lukens
Lundine
Markley
Matsui
Mavroules
Mazzoli
McCurdy
McHugh
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Moakley
Moffett
Montgomery
Murphy
Murtha
Natcher
Neal

Aspin
Aucoin
Biaggi
Bolling
Burton, Phillip
Chisholm
Crane, Daniel
Dornan
Duncan
Fuqua
Goldwater
Hagedorn

Stanton
Staton
Stump
Taylor
Thomas
Trible
Walker
Weber (MN)
Weber (OH)

NOES—215

Foglietta
Foley
Ford (MI)
Ford (TN)
Fountain
Fowler
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Ginn
Glickman
Gonzalez
Gore
Gray
Guarini
Hall (OH)
Hall, Sam
Hamilton
Hance
Harkin
Hatcher
Hawkins
Hefner
Heftel
Hertel
Hightower
Holland
Howard
Hoyer
Hubbard
Huckaby
Hutto
Jacobs
Jenkins
Jones (TN)
Kastenmeier
Kazen
Kildee
Kogovsek
LaFalce
Leath
Lehman
Leland
Levin
Long (LA)
Long (MD)
Lowry (WA)
Lukens
Lundine
Markley
Matsui
Mavroules
Mazzoli
McCurdy
McHugh
Mica
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Moakley
Moffett
Montgomery
Murphy
Murtha
Natcher
Neal

Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patman
Patterson
Pease
Pepper
Perkins
Peyser
Price
Rahall
Rangel
Ratchford
Richmond
Rodino
Roe
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shamansky
Shannon
Sharp
Skelton
Smith (IA)
Smith (PA)
Solarz
St Germain
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Traxler
Udall
Vento
Volkmer
Walgren
Washington
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki
Zeferetti

NOT VOTING—34

Hansen (ID)
Hillis
Hughes
Jones (NC)
Jones (OK)
Lantos
Madigan
Mattox
McCloskey
Mollohan
Myers
Paul

Whitehurst
Whittaker
Wolf
Wortley
Wyllie
Young (AK)
Young (FL)

Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Panetta
Patman
Patterson
Pease
Pepper
Perkins
Peyser
Price
Rahall
Rangel
Ratchford
Richmond
Rodino
Roe
Rosenthal
Rostenkowski
Roybal
Russo
Sabo
Savage
Scheuer
Schroeder
Schumer
Seiberling
Shamansky
Shannon
Sharp
Skelton
Smith (IA)
Smith (PA)
Solarz
St Germain
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tauzin
Traxler
Udall
Vento
Volkmer
Walgren
Washington
Watkins
Waxman
Weaver
Weiss
White
Whitley
Whitten
Williams (MT)
Wilson
Wirth
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki
Zeferetti

□ 1550

The Clerk announced the following pairs:

On this vote:

Mr. Vander Jagt for, with Mr. Biaggi against.

Mr. Madigan for, with Mr. Mollohan against.

Mr. Myers for, with Mr. Lantos against.

Mr. Paul for, with Mr. AuCoin against.

Mr. Wampler for, with Mr. Mattox against.

Mr. Winn for, with Mrs. Chisholm against.

Until further notice:

Mr. Reuss with Mr. Phillip Burton.

Mr. Jones of Oklahoma with Mr. Simon.

Mr. Fuqua with Mr. Santini.

Mr. Hughes with Mr. Aspin.

Mr. Rose with Mr. Jones of North Carolina.

Mr. HEFTTEL changed his vote from "aye" to "no."

Mr. YOUNG of Alaska changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LOTT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 194, answered "present" 1, not voting 33, as follows:

[Roll No. 333]

YEAS—205

Addabbo	Daschle	Gephardt
Akaka	de la Garza	Gibbons
Albosta	Dellums	Ginn
Alexander	Derrick	Glickman
Anderson	Dicks	Gonzalez
Andrews	Dingell	Gore
Annunzio	Dixon	Gray
Anthony	Donnelly	Guarini
Bailey (PA)	Dorgan	Hall (OH)
Barnard	Dougherty	Harkin
Barnes	Dowdy	Hatcher
Bedell	Downey	Hefner
Beilenson	Dwyer	Heftel
Benjamin	Dymally	Hertel
Bevill	Dyson	Hightower
Bingham	Early	Holland
Blanchard	Eckart	Howard
Boggs	Edgar	Hoyer
Boland	Edwards (AL)	Hutto
Boner	Edwards (CA)	Jacobs
Bonior	Ertel	Jeffords
Bonker	Evans (GA)	Jenkins
Bouquard	Evans (IN)	Jones (TN)
Bowen	Fary	Kastenmeier
Breaux	Fascell	Kazen
Brinkley	Fazio	Kildee
Brodhead	Ferraro	Kogovsek
Brooks	Fithian	LaFalce
Brown (CA)	Flippo	Lehman
Burton, John	Florio	Leland
Byron	Foglietta	Levin
Clay	Foley	Long (LA)
Coelho	Ford (MI)	Long (MD)
Collins (IL)	Ford (TN)	Lowry (WA)
Conte	Fountain	Lukens
Conyers	Fowler	Lundine
Coughlin	Frank	Markley
Coyne, William	Frost	Matsui
Crockett	Garcia	Mavroules
D'Amours	Gaydos	Mazzoli
Danielson	Gejdenson	McDade

McHugh	Price	Swift
Mica	Rahall	Synar
Mikulski	Railsback	Traxler
Miller (CA)	Rangel	Udall
Mineta	Ratchford	Vento
Minish	Richmond	Volkmer
Moakley	Robinson	Walgren
Moffett	Rodino	Washington
Murphy	Roe	Watkins
Murtha	Rosenthal	Waxman
Natcher	Rostenkowski	Weaver
Neal	Roybal	Weiss
Nelligan	Sabo	White
Nelson	Scheuer	Whitley
Nichols	Schroeder	Whitten
Nowak	Schumer	Williams (MT)
Oakar	Seiberling	Wilson
Oberstar	Shamansky	Wirth
Obey	Shannon	Wolpe
Ottinger	Skelton	Wright
Panetta	Smith (IA)	Wyden
Parris	Smith (PA)	Yates
Patman	Solarz	Yatron
Patterson	St Germain	Young (MO)
Pease	Stark	Zablocki
Pepper	Stokes	Zeferetti
Perkins	Stratton	
Peyser	Studds	

NAYS—194

Applegate	Gradison	Morrison
Archer	Gramm	Mottl
Ashbrook	Green	Napier
Atkinson	Gregg	O'Brien
Badham	Grisham	Oxley
Bafalis	Gunderson	Pashayan
Bailey (MO)	Hall, Ralph	Petri
Beard	Hall, Sam	Pickle
Benedict	Hamilton	Porter
Bennett	Hammerschmidt	Pritchard
Bereuter	Hance	Pursell
Bethune	Hansen (UT)	Quillen
Bliley	Hartnett	Regula
Broomfield	Heckler	Rhodes
Brown (CO)	Hendon	Rinaldo
Brown (OH)	Hiller	Ritter
Broyhill	Hollenbeck	Roberts (KS)
Burgener	Holt	Roberts (SD)
Butler	Hopkins	Roemer
Campbell	Horton	Rogers
Carman	Hubbard	Roukema
Carney	Huckaby	Roussetot
Chappell	Hunter	Rudd
Chappie	Hyde	Russo
Cheney	Ireland	Savage
Clausen	Jeffries	Sawyer
Clinger	Johnston	Schneider
Coats	Kemp	Schulze
Coleman	Kindness	Sensenbrenner
Collins (TX)	Kramer	Sharp
Conable	Lagomarsino	Shaw
Corcoran	Latta	Shelby
Courter	Leach	Shumway
Coyne, James	Leath	Shuster
Craig	LeBoutillier	Siljander
Crane, Philip	Lee	Skeen
Daniel, Dan	Lent	Smith (AL)
Daniel, R. W.	Lewis	Smith (NE)
Dannemeyer	Livingston	Smith (NJ)
Daub	Loeffler	Smith (OR)
Davis	Lott	Snowe
Deckard	Lowery (CA)	Snyder
DeNardis	Lujan	Solomon
Derwinski	Lungren	Spence
Dickinson	Marks	Stangeland
Dreier	Marlenee	Stanton
Dunn	Marriott	Staton
Edwards (OK)	Martin (IL)	Stenholm
Emerson	Martin (NC)	Stump
Emery	Martin (NY)	Tauzin
English	McClory	Taylor
Erdahl	McCollum	Thomas
Erlenborn	McCurdy	Trible
Evans (DE)	McDonald	Vander Jagt
Evans (IA)	McEwen	Walker
Fenwick	McGrath	Weber (MN)
Fiedler	McKinney	Weber (OH)
Fields	Michel	Whitehurst
Findley	Miller (OH)	Whittaker
Fish	Mitchell (MD)	Wolf
Forsythe	Mitchell (NY)	Wortley
Frenzel	Molinari	Wylie
Gilman	Montgomery	Young (AK)
Gingrich	Moore	Young (FL)
Goodling	Moorhead	

ANSWERED "PRESENT"—1

Hawkins

NOT VOTING—33

Aspin	Hagedorn	Myers
AuCoin	Hansen (ID)	Paul
Biaggi	Hillis	Reuss
Bolling	Hughes	Rose
Burton, Phillip	Jones (NC)	Roth
Chisholm	Jones (OK)	Santini
Crane, Daniel	Lantos	Simon
Dornan	Madigan	Tauke
Duncan	Mattox	Wampler
Fuqua	McCloskey	Williams (OH)
Goldwater	Mollohan	Winn

□ 1600

The Clerk announced the following pairs:

On this vote:

Mr. Lantos for, with Mr. Hughes against.
Mr. Biaggi for, with Mr. Daniel B. Crane against.

Mr. AuCoin for, with Mr. Duncan against.
Mrs. Chisholm for, with Mr. Hagedorn against.

Mr. Mollohan for, with Mr. Myers against.
Mr. Mattox for, with Mr. Roth against.

Until further notice:

Mr. Reuss with Mr. Phillip Burton.
Mr. Santini with Mr. Fuqua.
Mr. Rose with Mr. Jones of North Carolina.

Mr. Simon with Mr. Aspin.

Mr. EMERY changed his vote from "yea" to "nay."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 11: Page 3, line 16, strike out all after "House" down to and including "1981" in line 22.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 11 and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert the following: "Provided further, That, in addition to the sums otherwise made available by this paragraph the following additional sums are hereby appropriated:

"for low income home energy assistance program, \$140,000,000;

"for the foster care program authorized by title IV of the Social Security Act, \$75,000,000: *Provided*, That the provisions contained in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriation Act for Fiscal Year 1982 (H.R. 4560), as reported by the Senate Committee on Appropriations on November 9, 1981, related to a limitation on entitlement to payments under parts A and E of title IV of the Social Security Act and transfer of funds under parts B and E of such title (contained in H.R. 4560 as so reported beginning with "provided" on page

39, line 17, and ending on page 40, line 8) shall not be applicable with respect to any sums appropriated pursuant to this joint resolution;

"for the family medicine residency training programs authorized by section 786 of the Public Health Service Act, \$10,000,000;
"for the Community Services Block Grant, \$62,552,000;

"for the State Block Grant authorized by chapter 2 of the Education Consolidation and Improvement Act of 1981, \$140,000,000: *Provided further*, That the College Housing Loan Program shall operate under the terms and conditions as contained in H.R. 4560 as passed the House October 6, 1981, except that the gross commitments for the principal amount of direct loans shall not exceed \$75,000,000".

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, I want to make certain that I clearly understand the final decisions regarding child welfare and foster care payments in the continuing resolution. It is my understanding that the Senate receded to the House and agreed to maintain the provisions in Public Law 96-272, the Adoption Assistance and Child Welfare Act of 1980, regarding titles IV-B and IV-E. This means that the Senate language which put a cap on foster care, far below the reconciliation provisions, and made changes in the allocation formula and the requirements for transfer of funds were dropped, and the House provisions prevailed. Specifically this means:

First. An appropriation for title IV-B, child welfare services, of \$163.5 million;

Second. Funds for titles IV-A/E of \$246 million with the entitlement language retained; and

Third. Funding for adoption assistance of \$5 million with entitlement language.

This final agreement maintains the flexibility in Public Law 96-272 and protects implementation of the changes in the child welfare system which Congress worked on for 5 years. These changes have already proven cost effective in demonstration projects conducted at the State and local levels and have supported the basic premise in Public Law 96-272 that the provision of specified services can reduce the need for costly out-of-home care for dependent, neglected, and abused children.

The provisions in this law have been reaffirmed many times by Congress: In the overwhelming vote for final passage, in approval of the full appropriation for the law in 1981, and in fully protecting the law and its funding levels in the Omnibus Reconciliation Act. I am pleased that once again

Congress has reaffirmed its commitment to this important piece of legislation by protecting the law in the continuing resolution.

□ 1610

And we overcame that on our bill that we passed in 1980?

Mr. WHITTEN. We did, yes.

Mr. ROUSSELOT. So in this conference we are not changing our 1980 law on foster care; is that correct?

Mr. WHITTEN. That is correct.

Mr. ROUSSELOT. Did the conferees also remove the cap?

Mr. WHITTEN. That will be done.

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman from Mississippi (Mr. WHITTEN), and I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 15: Page 4, strike out all after line 19 over to and including line 4 on page 5 and insert:

"Such amounts as may be necessary for projects or activities provided for in the Foreign Assistance and Related Programs Appropriations Act, 1982, at a rate for operations and to the extent and in the manner as provided for in such Act as passed the Senate on November 17, 1981, as if such Act had been enacted into law, notwithstanding section 10 of Public Law 91-672, and section 15(a) of the State Department Basic Authorities Act of 1956."

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 15 and concur therein with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following:

"(b) Such amounts as may be necessary for continuing programs and activities, not otherwise provided for, which were conducted in the fiscal year 1981, for which provision was made in section 101(b) of Public Law 96-536 regarding foreign assistance and related programs, notwithstanding section 10 of Public Law 91-672, and section 15(a) of the State Department Basic Authorities Act of 1956, at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority: *Provided*, That the following additional sums are hereby appropriated: \$300,000,000 for Foreign Military Credit Sales, \$100,000,000 for the Economic Support Fund, and \$100,000,000 for the Export-Import Bank of the United States."

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. LONG of Maryland. Mr. Speaker, this amendment restores the House position on foreign assistance programs, which passed the House at a spending rate of either the current level, or the budget request, whichever is lower.

This approach results in probably the lowest spending level that is reasonably possible.

In addition to maintaining the House position the amendment adds \$500 million—\$300 million for critically needed military assistance programs, \$100 million for the Economic Support Fund, and \$100 million for the Export-Import Bank.

I did not support this amendment in conference, but rather supported the approach of the chairman of the committee, Mr. WHITTEN. His approach, which I understand was at the request of the President, was to provide the entire \$500 million for critically and urgently needed security assistance needs.

However, a majority of the House conferees preferred the amendment that is now before the House. In an effort to compromise I would urge that the amendment be adopted. The amendment can take care of the immediate security assistance needs of such countries as Egypt, Sudan, Turkey, Portugal, and others on a temporary basis until a regular bill is enacted. I believe that a large majority of conferees on both sides of the aisle and in both bodies believe this is an absolute minimum.

Mr. Speaker, even if this amendment is adopted, it will fall far short of the funds which the administration and the other body think are absolutely necessary for the conduct of U.S. foreign policy and support of the Export-Import Bank.

And frankly, I believe these low levels are our best assurances for bringing a foreign assistance bill to the House floor for consideration. During the last 2 days, the chairman of the committee has received specific assurances from the House leadership that a foreign assistance bill will be called up during the time we are in session in December.

This will give the administration time to do the things that are absolutely necessary to secure vital support for the bill from this side of the aisle.

Mr. Speaker, a foreign assistance bill did not come to the House floor last year and thus far has not been scheduled this year. These events have placed the other body in an understandably difficult and frustrating position.

In large part because of this frustration the other body passed the foreign

assistance appropriation bill, an act which contravened longstanding practices and constitutional interpretations and an act which I totally oppose. However, I do understand why they did this.

We need a regular Foreign Assistance Appropriations Act—one that is fully debated and open to amendment in both bodies. I intend to do everything I can to achieve this and I hope I will be joined in this by my colleagues on both sides of the aisle in both bodies and by the administration whose active work and support will be essential.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 29: Page 6, line 15, after "law" insert:

"(44) Notwithstanding any other provision of this Act, including any other provision of this title, any agency may, before December 31, 1981, transfer to salaries and expenses from other sources made available to it by this Act, such amounts as may be required if the aggregate amount available for salaries and expenses, after such transfer, does not exceed the amount contained for such purposes in this Act before the application of the changes contained in title V: *Provided*, That such transfers shall be subject to the approval of the Committees on Appropriations."

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN Moves that the House recede from its disagreement to the amendment of the Senate numbered 29 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment insert the following:

(40) Notwithstanding any other provision of this Act, including any other provision of this title, any agency may before December 31, 1981, transfer to salaries and expenses from other sources made available to it by this Act, such amounts as may be required if the aggregate amount available for salaries and expenses, after such transfer, does not exceed the amount contained for such purposes in this Act before the application of the changes contained in title V: *Provided*, That such transfers shall be subject to the approval of the Committees on Appropriations: *Provided further*, That in the Department of Housing and Urban Development not to exceed (1) \$34,000,000 shall be available for data processing services, (2) 12 full-time permanent positions and 16 staff years shall be available for the Immediate Office of the Assistant Secretary for Administra-

tion, and (3) 26 full-time permanent positions and 27 staff years shall be available for the Office of the Assistant Secretary for Legislation and Congressional Relations: *Provided further*, That in the National Aeronautics and Space Administration not to exceed (1) 150 full-time permanent positions shall be available for the Office of the Comptroller and (2) 120 full-time permanent positions shall be available for the Office of External Relations: *Provided further*, That in the Veterans' Administration not to exceed (1) \$1,500,000 shall be available for the Office of Planning and Program Evaluation and (2) 649 staff years shall be available for the Supply Service.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 32: Page 7, strike out lines 7 to 15, inclusive.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 32 and concur therein with an amendment, as follows: Restore the matter stricken by said amendment, amended to change section "(i)" as follows: "(ii)".

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 37: Page 7, after line 24, insert:

(1) Notwithstanding those provisions of section 305 of H.R. 4120 made applicable by subsection (k) of this section, nothing in such provisions shall (or shall be construed to) require that the rate of salary or basic pay, payable to any individual for or on account of services performed after November 30, 1981, be limited or reduced to an amount which is less than—

(A) \$59,500.00, in case such individual has an office or position the salary or pay for which is (I) fixed at a rate which is equal to or greater than the rate of basic pay for level III of the Executive Schedule under section 5314 of title 5, United States Code, or (II) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level III (or to a percentage of such maximum rate) by reason of any provision of law (other than any of the provisions of section 305 of H.R. 4120 made applicable by subsection (k) of this section) or congressional resolution;

(B) \$58,500.00, in case such individual has an office or position the salary or pay for which is (I) fixed at a rate which is equal to or greater than the rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, or (II) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level IV (or to a percentage of

such maximum rate) by reason of any provision of law (other than any of the provisions of section 305 of H.R. 4120 made applicable by subsection (k) of this section) or congressional resolution; or

(C) \$57,500.00, in case such individual has an office or position the salary or pay for which is (I) fixed at a rate which is equal to or greater than the rate of basic pay for level V of the Executive Schedule under section 5316 of title 5, United States Code, or (II) limited to a maximum rate which is equal to or greater than the rate of basic pay for such level V (or to a percentage of such a maximum rate) by reason of section 5308 of title 5, United States Code, or any provision of law (other than any of the provisions of section 305 of H.R. 4120 made applicable by subsection (k) of this section) or congressional resolution.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FAZIO moves that the House insist on its disagreement to the amendment of the Senate numbered 37.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. FAZIO). All those in favor say "aye," opposed "no."

The ayes have it. The motion is agreed to.

The Clerk will report the next amendment in disagreement.

Mr. CONTE. Mr. Speaker, I have a motion at the desk. I have a motion. I was standing, Mr. Speaker.

The SPEAKER. To what amendment does the gentleman have a motion?

Mr. CONTE. Senate amendment No. 37.

The SPEAKER. The Chair will state that the House has already disposed of that amendment.

Mr. CONTE. I was standing here seeking recognition, Mr. Speaker.

Mr. Speaker, what was the decision?

The SPEAKER. The gentleman may have been standing, but he was not seeking recognition, in the opinion of the Chair.

Mr. CONTE. What was the outcome of that, Mr. Speaker?

The SPEAKER. Senate amendment No. 37 was disagreed to.

Mr. CONTE. And I was standing with a motion, Mr. Speaker.

The SPEAKER. The Chair recognized that there were three or four others standing, and the gentleman was in a conversation with one of his colleagues, and was not asking for recognition.

Mr. CONTE. Mr. Speaker, I am sorry about that.

The SPEAKER. Well, the Chair is sorry.

The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 39: Page 9, after line 5, insert:

Sec. 108. Notwithstanding any other provision of this joint resolution, \$869,240,000 is appropriated under this joint resolution for payment to the Postal Service Fund, of which \$230,000,000 shall be available for public service costs and \$639,240,000 shall be available for revenue foregone on free and reduced rate mail, of which \$20,000,000 shall be available for revenue foregone under section 3626 of title 39, United States Code, with respect to the rates of postage for any class of mail or kinds of mailer under former sections 4358, 4554(b), and 4554(c) of such title.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mr. ASHBROOK. Mr. Speaker, I object. If we do not know what is going on here, I object.

The SPEAKER. Objection is heard. The Clerk will read the amendment.

The Chair understands that the reading of the amendment has been completed, and the Chair recognizes the gentleman from Mississippi (Mr. WHITTEN) for a motion.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"Sec. 108. Notwithstanding any other provision of this joint resolution, except sec. 140, \$869,240,000 is appropriated under this joint resolution for payment to the Postal Service Fund, of which \$230,000,000 shall be available for public service costs and \$639,240,000 shall be available for revenue foregone on free and reduced rate mail.

"Notwithstanding any other provision of law, the Postal Service shall promptly adjust preferred rates so as to recover the difference between the amount which would have been authorized to be appropriated under section 2401(c) of title 39, United States Code had this provision not been enacted, and the \$639,240,000 hereby appropriated. Such adjustments shall be made in accordance with the following subsections.

"(a) As provided in Section 1723 of the Omnibus Budget Reconciliation Act of August 13, 1981, the first \$104,000,000 of the difference in appropriations is to be recovered by adjustment of the rates for the class of mail under former sections 4452(b) and 4452(c) of title 39, United States Code.

"(b) \$56,760,000 is to be recovered through proportional adjustment based on the remaining phasing appropriation for any class of mail sent at a free or reduced rate under section 3217 or section 3626 of title 39, under the Federal Voting Assistance Act of 1955 or under the Overseas Citizens Voting Rights Act of 1975.

"(c) The adjustments made under subsections (a) and (b) shall be further adjusted so that \$20,000,000 is applied to lessen the adjustment under subsection (b) for any class of mail or kind of mailer under former sections 4358, 4554(b), and 4554(c) of title 39, United States Code."

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 40: Page 9, after line 5, insert:

SEC. 109. No funds made available pursuant to this joint resolution may be used to accomplish or implement a proposed reorganization of the Bureau of Alcohol, Tobacco and Firearms before March 15, 1982. Such reorganization plan may be implemented after March 15, 1982, unless disapproved by the House and Senate Committees on Appropriations.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

Mrs. FENWICK. Mr. Speaker, I object. We cannot hear the amendment. We do not know what it is.

The SPEAKER. The Clerk will continue to read the amendment.

The Clerk concluded the reading of the amendment.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

"SEC. 109. No funds made available pursuant to this continuing resolution may be used to accomplish or implement a proposed reorganization of the Bureau of Alcohol, Tobacco and Firearms before March 30, 1982. Such reorganization plan may be implemented after March 30, 1982, unless disapproved by the House and Senate Committees on Appropriations: *Provided further*, That of the funds made available by this Continuing Resolution for the Bureau of Alcohol, Tobacco and Firearms, \$15,000,000 shall be available solely for the enforcement of the Federal Alcohol Administration Act during fiscal year 1982."

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 43: Page 9, after line 5, insert:

SEC. 112. (a) None of the funds appropriated by this Act may be used to—

(1) enforce Revenue Ruling 81-216 or the proposed amendments to Income Tax Regulations § 1.103-7 and § 1.103-10 which were published in the Federal Register on October 8, 1981, or

(2) propose, promulgate, or enforce any ruling or regulation reaching the same result as, or a result similar to, such Revenue Ruling or Regulations, in connection with a qualified issue, or

(3) issue rulings or regulations which treat as exempt from taxation under section 103(b)(6) of the Internal Revenue Code of 1954 any interest earned on an obligation the proceeds of which are used for a disqualified facility.

(b)(1) For purposes of subsection (a), the term "qualified issue" means a single issue (whether or not part of a composite or multiple series of issues)—

(A) all of the obligations of which are directly or indirectly guaranteed or secured by—

(i) a State or political subdivision thereof or an instrumentality of either, or

(ii) in the case of an issue all of the proceeds of which are used for agricultural purposes, a qualified person (within the meaning of section 46(c)(8)(D) of the Internal Revenue Code of 1954 determined without regard to clauses (iii) and (iv) thereof), and

(B) none of the proceeds of which are used in connection with a disqualified facility or a facility with respect to which, at any time before January 1, 1987—

(i) any disqualified person used more than 5 percent of the facility, or

(ii) more than 25 percent of the facility is (in the aggregate) used by disqualified persons.

For purposes of subparagraph (B), use by a related person (within the meaning of section 103(b)(6)(C) of such Code) shall be treated as use by the disqualified person.

(2)(A) For purposes of paragraph (1), the term "disqualified person" means a person (other than an exempt person within the meaning of section 103(b)(3) of such Code) which has aggregate capital expenditures for any purpose which, for the period beginning October 1, 1979, and ending September 30, 1982, exceed \$25,000,000.

(B) For purposes of determining the aggregate capital expenditures of any person under subparagraph (A), there shall be taken into account the capital expenditures of all persons which are—

(i) related persons (within the meaning of section 103(b)(6)(C) of such Code) with respect to such person; or

(ii) guarantors of any portion of the issue with respect to which a determination is being made under this subsection other than a guarantor which—

(I) is a State or a political subdivision thereof or an instrumentality of either, or

(II) in the case of an issue all of the proceeds of which are used for agricultural purposes, a person described in paragraph (1)(A)(ii).

(C) For purposes of this paragraph, the term "capital expenditures" has the meaning given such term by section 103(b)(6)(D) of such Code, except that such term shall

not include any amount paid or incurred by the taxpayer which constitutes a qualified research expense (within the meaning of section 44F(b) of such Code).

(c) For purposes of subsection (a) and subparagraph (b)(1)(B), a "disqualified facility" is any private or commercial—

- (i) golf course,
- (ii) country club,
- (iii) massage parlor, or
- (iv) tennis club.

(d) It is the sense of the Senate that after August 23, 1981, and until Congress enacts legislation which affects section 103(b)(6) of such Code, the Secretary of the Treasury or his delegate should in all cases enforce any ruling or regulation described in subsection (a) (1) or (2) in a manner consistent with the provisions of subsection (a).

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 43 and concur therein with an amendment, as follows: In lieu of the language proposed in (b)(1)(A) by said amendment insert the following: "all of the obligations of which are directly or indirectly guaranteed or secured in whole or in part by".

And after section (b)(2)(B)(ii)(II) insert the following:

"(III) One or more financial institutions which are not related persons (within the meaning of section 103(b)(6)(C) of such Code to the user of the proceeds of the issue."

The SPEAKER. Without objection, the motion is agreed to.

Mr. ROSTENKOWSKI. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise to express strong reservations about this amendment.

The SPEAKER. The Chair understands this is a matter in which the gentleman from Illinois is interested.

Mr. ASHBROOK. A point of order, Mr. Speaker. The gentleman could not hear the Speaker's important announcement.

Mr. ROSTENKOWSKI. Mr. Speaker, I reserve the right to object on the last amendment.

The SPEAKER. The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, I yield to the gentleman from Illinois (Mr. ROSTENKOWSKI).

Mr. ROSTENKOWSKI. Mr. Speaker, I rise to express my strong reservations with respect to the matter contained in Senate amendment No. 43 on which the conferees are recommending that the House recede and concur

with an amendment. My objections are both procedural and substantive in nature.

The amendment attempts to prohibit in certain circumstances the enforcement of revenue ruling 81-216, and regulations reaching the same result.

The amendment would prohibit the enforcement of the ruling in the case of bonds which are backed by a State or locality where the proceeds of the bonds are not to be used by very large corporations—with more than \$25 million in capital expenditures, worldwide, in a 3-year period.

First of all, on procedural grounds, we have a Senate floor amendment which attempts to negate a proper interpretation by the Internal Revenue Service of a substantive provision of the tax laws by limiting the discretion of the Service in its internal use of its administrative moneys.

Not only is the amendment not properly within the purview of the appropriations process, but the conferees have even gone to the point of expanding its scope to broaden its impact. Those of us on the tax writing committees find this to be improper and, in a sense, irresponsible inasmuch as the matter addressed by the amendment is a complex one with policy implications which should be carefully reviewed by the tax-writing committees prior to the taking of congressional action.

In a more important sense, I would like to inform my colleagues that it is my view that the action recommended by the conferees in accepting this amendment will have no substantive effect. It will not result in the issuance of bonds which would be prohibited absent the existence of this appropriations rider. It should be pointed out that, inasmuch as this language in no way amends the Internal Revenue Code, it cannot affect the legal basis under which bonds can be issued under existing law. Since it is customary for bond counsel to issue opinions on the legal basis for the tax exemption of the bonds in question, I wanted to make this statement at this time so that no bond counsel or potential purchasers would improperly construe that this simple funds limitation has the effect of legalizing the bonds in question. Once the continuing resolution expires, the IRS will be able to enforce the revenue ruling in question, revenue ruling 81-216, even as to the interest earned on bonds issued during the period of this appropriations freeze.

I would want to inform my colleagues that I have discussed this issue at great length with the chairman of the Senate Committee on Finance who shares my view that this language is ineffectual in achieving the purpose which it seeks to accomplish. The sole effect of this language is to delay IRS

action in this area. It cannot and does not, the sense of the Senate language relating to future periods notwithstanding, change the underlying law which in the end controls the legal basis for the granting of the tax exemption.

It is unfortunate for the entire legislative process that one or two law firms specializing in the processing of these transactions have attempted to modify the tax laws without going through the appropriate committees which Congress established to deal with the tax laws. In so doing, they have added nothing—except confusion to the whole area of tax-exempt bonds.

Mr. WHITTEN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I have no knowledge of the item the gentleman has discussed. I would ask the subcommittee chairman, the gentleman from California (Mr. ROYBAL), if he has any comments.

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from California.

Mr. ROYBAL. Mr. Speaker, this matter was discussed thoroughly in conference. The reason that we brought it back in disagreement is because we have agreed with the arguments just presented by the chairman of the Ways and Means Committee. We thought we would give him an opportunity to present the facts with regard to the situation.

I really do not know what can be done at this particular moment. However, that will depend entirely upon the chairman of the committee. Again I must repeat that there was a great, long discussion, and we were assured by the conferees from the other body that this matter had been taken up, that the vote on their side was 97 to 2. Therefore, they were adamant in their position.

Since we could not meet with an agreement, we brought it back in disagreement giving the chairman of the committee an opportunity to present some views.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. WHITTEN. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. Mr. Speaker, the conference committee has not only accepted the amendment but has broadened the scope of the amendment that was offered on the Senate floor. Let me reiterate that the amendment really does not have any effect. It does not change the law, only the ability of the IRS to enforce it for the short run. Bond counsels should still not issue any opinions that these are tax-exempt bonds.

I appreciate the understanding of the gentleman from California on this matter. He understands the jurisdiction of the Committee on Ways and

Means on this issue and has been quite cooperative with us notwithstanding the persistence of the other body.

Mr. CONTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I hope the House can support the House conferees on this matter and agree to recede to the amendment of the Senate. This amendment pertains to multiple lots of small-issue industrial revenue bonds. I believe many Members of the House are aware of Revenue Ruling 81-216 which was issued by the IRS this past August and which was followed by a rulemaking notice issued in the October 8 Federal Register, the effect of which has been to deny tax exemption for multiple lots of small-issue industrial revenue bonds. The proposed amendment would prohibit the IRS from enforcing Revenue Ruling 81-216 and the subsequent rulemaking.

Mr. Speaker, it is our intention in agreeing to this amendment to preempt either the authority of the IRS or the jurisdiction of the legislative committees. Rather it is our intention to preserve prerogatives of the Congress in this matter.

This past spring the Ways and Means Oversight Subcommittee held a series of hearings on issues pertaining to the use of small-issue industrial revenue bonds. As we moved into the summer months and began work on the tax bill, many Members thought that the small issue IRB question would be addressed in that bill. However, time constraints and the complexity of the issue resulted in a decision not to try to work small issue IRB's into the tax bill but rather to take the matter up separately later in this session.

Unfortunately, following on the heels of this congressional decision to put off consideration of small issue IRB's until later in the year, the IRS on August 24 issued Revenue Ruling 81-216 and followed this with a rulemaking notice, which has cast a serious shadow of doubt in the financial community about the tax status, and therefore the marketability, of multiple lots of small issue IRB's.

Small issue IRB's which are bonds of less than \$1 million, have been used very effectively by State and local economic development agencies to attract new business. Conversely these small issue IRB's have proven to be a useful tool for small businesses who might otherwise be locked out of the capital markets because of high interest rates. In the last 3 years in my State alone some \$1 billion in industrial revenue bonds have helped small businesses and local development projects add 40,000 jobs. And this experience in my State is not unique. This has been happening across the country. Clearly small-issue industrial revenue bonds

have become an important mechanism for keeping small businesses in the private capital market.

During the April Ways and Means Committee hearings many witnesses testified that small-issue industrial revenue bonds are needed perhaps now more than ever in the face of recent cutbacks in other Federal assistance programs for small business, distressed areas, and rural localities.

Moreover as high interest rates continue to force commercial banks to seek shorter maturation in their portfolios, it is becoming increasingly difficult for small businesses to find affordable long term financing. Small issue IRB's are one way small businesses have been able to remain in the market.

The Treasury Department has argued against the IRB program because of the revenue losses to the Federal Treasury due to the nontaxable nature of interest paid to the purchasers of these bonds. Many different sets of figures, all reported to be the most accurate, have been floated as to the amount of these losses. However, what would be just as interesting but which the Treasury has not produced are estimates of the amount of revenues received by the Treasury Department as a direct result of the increased economic activity generated by IRB-financed projects. The economic activity generated by these projects in the form of wages and company profits helps the Treasury directly in additional tax collections and indirectly through lower spending for unemployment compensation and other forms of public assistance. These gains to the Federal Treasury are an offset to the revenue losses from the Federal taxes foregone on bond interest income.

However, the amendment before you does not require you to make a decision today about the merits of small-issue industrial revenue bonds as a financing mechanism. The amendment before you has only one purpose and that purpose is to buy time for the Congress to work its own will on this matter.

This amendment does not change existing law. It simply prohibits the IRS from enforcing its own interpretation of the law. Without this amendment to prohibit enforcement of IRS Ruling 81-216, we will be allowing the IRS to do our legislating for us.

Again let me say that we are not trying to preempt the prerogatives of the legislative committees. What we are trying to do is to insure that the future of small-issue industrial revenue bonds is determined by the legislative committees and the Congress as a whole and not by the IRS.

I urge my colleagues in the House to accept this amendment in the same good faith in which your managers on this continuing resolution have agreed to it.

Mr. Speaker, I would like to mention that on amendment No. 37 on which I rose and had hoped the Chair would recognize me, I must explain why I rose. I rose because I had a motion at the desk to have the 4.8-percent pay increase apply to the executive branch of the Federal Government.

The SPEAKER. The gentleman is aware that a motion to reconsider is in order at an appropriate time prior to disposition of all the amendments?

Mr. CONTE. I thank the Speaker. I may do that if I can work it out.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER of Ohio. I thank the gentleman for yielding. As far as amendment 43 is concerned, the amendment we are talking about right now, whereby the conference would stop IRS from putting into effect the regulatory change prohibiting the clustering of small issue industrial revenue bonds, all we do is tell the IRS "You shall not put that regulation into effect." I would think the chairman of the Ways and Means Committee would like the idea because it will give him time to hold the hearings, to make the final determination as to what should be done, and it would not be done by regulation by IRS.

Mr. ROSTENKOWSKI. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Illinois.

Mr. ROSTENKOWSKI. I should imagine that the gentleman would agree that the Ways and Means Committee, the tax-writing committee, should write this language and should look at this. All I want to reiterate is that any tax bond issue tomorrow is not going to be exempt as a result of this language.

What this does, it just curtails the dollar flow in the enforcement of this provision until such time as the continuing resolution is concluded and then the law is not changed. That is why I see no reason for this. I think it is unnecessary, and I thank the gentleman for yielding.

Mr. MILLER of Ohio. The gentleman is, of course, correct that substantive law is not changed by this amendment. That would, I think, make the amendment less offensive to the chairman of the Ways and Means Committee. We are not writing tax law here. We are simply sending an executive branch agency a message through the vehicle of this amendment. Admittedly, an appropriations bill is not the ideal vehicle for sending this message. But what we are saying is that we do not want money appropriated in this bill to be used to enforce Revenue Ruling 81-216 or the proposed regulations. Such instructions have been sent to executive branch agencies in the past through appropriations bills, and they have been successful.

I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 44: Page 9, after line 5, insert:

SEC. 113. It is the sense of the Senate that the President of the United States should not include in his recommendations for revenue enhancements any recommendations which would have the effect of reducing Federal tax incentives for energy conservation or the development of renewable energy sources.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 44 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 48: Page 9, after line 5, insert:

SEC. 117. Notwithstanding any provision of this joint resolution, the funds made available by this joint resolution which would be available under H.R. 4560, entitled "Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982", for school assistance in federally affected areas under title III of such Act shall be available under the authority and conditions set forth in H.R. 4560 as reported to the Senate on November 9, 1981.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 48 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 117. Notwithstanding any other provision of this joint resolution, the funds made available by this joint resolution which would be available under H.R. 4560,

entitled "Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Act, 1982", for school assistance in federally affected areas under title III of such Act shall be available under the authority and conditions set forth in H.R. 4560 as passed the House on October 6, 1981; *Provided*, That the total amount available for entitlements under section 3(a) of the Act of September 30, 1950, as amended, is amended so as to permit payment to any local education agency under such section 3(a) not to exceed 90 per centum of the amount of such payment for fiscal year 1981, unless the entitlement for such agency is determined under section 3(d)(2)(B) of such Act: *Provided further*, That the provisions of section 3(d)(2)(B) shall be fully funded and not subject to rateable reduction: *Provided further*, That the provisions of section 5(c) shall not apply.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 49: Page 9, after line 5, insert:

Sec. 118. Notwithstanding section 1903(s) of the Social Security Act, all medicaid payments to the States for Indian health service facilities as defined by section 1911 of the Social Security Act shall be paid entirely by Federal funds and notwithstanding section 1903(t) of the Social Security Act, all medicaid payments to the States for Indian health service facilities shall not be included in the computation of the target amount of Federal medicaid expenditures.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 49 and concur therein.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 53: Page 9, after line 5, insert:

Sec. 122. Notwithstanding any other provision of this joint resolution, appropriations for salaries and expenses in this joint resolution for the Department of Health and Human Services are hereby reduced by \$21,800,000.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent

that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 53 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

Sec. 122. Notwithstanding any other provision of this joint resolution, appropriations for salaries and expenses in this joint resolution for the Department of Health and Human Services are hereby reduced by \$21,800,000: *Provided*, That none of this reduction shall be taken from activities supported under the budget account entitled "Social Security Administration, Limitation on Administrative Expenses" or from funds available for the administration of the Medicare program.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 57: Page 9, after line 5, insert:

Sec. 126. For each fiscal year (beginning with the fiscal year which ends September 30, 1982), the Secretary of the Senate is authorized to expend from the contingent fund of the Senate such amount as may be necessary to enable the Secretary to obtain from the General Services Administration the services of a professional archivist. Such services shall be obtained on a reimbursable basis and shall not be obtained except with the consent of the General Services Administration and the Committee on Rules and Administration.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 57 and concur therein with an amendment, as follows: In lieu of the section number named in said amendment, insert "125-128".

Mr. CONTE. Mr. Speaker, I seek recognition to speak on amendment No. 57.

The SPEAKER. The gentleman from Massachusetts is recognized.

Mr. CONTE. I yield such time as he may consume to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, let me discuss on the basis of clarifying the position of the conferees a provision in the conference report dealing with the Mine Safety and Health Act.

The conference report includes a provision, added by the other body, which has the effect of transferring safety and health enforcement from MSHA to OSHA over the surface construction activities of independent contractors at minesites. This provision is a refinement of an amendment which I offered on the Labor-HHS appropriations bill, H.R. 4560. My amendment, which passed the House by a vote of 254 to 165, did two things. First, it transferred from MSHA to OSHA enforcement over surface construction at a minesite. Second, it transferred from MSHA to OSHA safety and health enforcement over surface mining of stone, clay, colloidal phosphate, sand, and gravel.

It is my understanding that my amendment to the Labor-HHS appropriations bill, since it represented a restriction on authority, was incorporated by reference into the continuing appropriations resolution. Thus, the conference report on the continuing resolution does two things:

First, it provides that no funds shall be used by MSHA with respect to regulating surface mining of stone, clay, colloidal phosphate, sand, or gravel.

Second, it reflects a modification of the other part of my original amendment to the Labor-HHS appropriations bill, so that now no funds shall be used by MSHA to regulate the surface construction activities of independent contractors at minesites.

Is this a correct interpretation of the conference report?

Mr. CONTE. The gentleman from California (Mr. ROUSSELOT) is correct in his interpretation of the conference report.

It is noted that the other body in considering the continuing resolution viewed the resolution as incorporating your MSHA amendment to the Labor-HHS appropriations bill, H.R. 4560. The Senator from Pennsylvania, Mr. SPECTER, offered an amendment to in effect strike out the amendment of the gentleman from California (Mr. ROUSSELOT). The other body, however, by a 35-to-63 vote, rejected the amendment of the Senator from Pennsylvania, Mr. SPECTER.

As the gentleman from California (Mr. ROUSSELOT) correctly observed, the other body did modify his amendment somewhat with respect to surface construction. This was done through an amendment offered by the Senator from Montana, Mr. MELCHER.

The conferees intend that the conference report will have the effect of requiring the Occupational Safety and Health Administration to assume enforcement responsibility over the surface mining of stone, clay, colloidal phosphate, sand, and gravel as well as over the construction activities of independent contractors at the surface of minesites. It is the intention of the conferees that the funding limitation in the continuing resolution effectively precludes MSHA from exercising its statutory authority with respect to these activities. Accordingly, the provision—section 4(b)(1)—of the Occupational Safety and Health Act which now operates to preclude OSHA from applying to such activities would in a sense be deactivated. OSHA would indeed assume safety and health enforcement responsibility.

Mr. CONTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi (Mr. WHITTEN).

The motion was agreed to.

□ 1630

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 70: Page 9, after line 5, insert:

SEC. 139. Notwithstanding any other provision of law or of this joint resolution:

(a)(1) Subchapter V of chapter 55 of title 5, United States Code, is amended by adding the following new section 5546a after section 5546:

"§ 5546a. Operational responsibility differential for employees of the Federal Aviation Administration

"(a) An employee of the Federal Aviation Administration, as such term is defined in subsection (b) of this section, shall be eligible for an operational responsibility differential equal to five percent of his rate of basic pay, and such differential is in addition to and not in lieu of any other premium pay to which the employee may be entitled.

"(b) For purposes of this section, the term 'employee' includes:

"(1) persons occupying positions not lower than the GS-9 level in the air traffic controller series in air traffic control centers or terminals or in flight service stations, persons occupying positions not lower than the GS-9 or WG-10 level in airway facilities sectors, and persons occupying flight inspection crewmember positions not lower than the GS-11 level in flight inspection field offices,

the duties of whose positions are determined by the Federal Aviation Administrator to be directly involved in or responsible for the operation or maintenance of the air traffic control system; and

"(2) persons occupying flight test pilot positions not lower than the GS-12 level in regions or centers, the duties of whose positions are determined by the Federal Aviation Administrator to be unusually taxing and critical to the advancement of safety in the national airspace system.

The Federal Aviation Administrator may prescribe regulations to determine the application of this subsection.

"(c) The provisions of section 5547 of this title relating to limitation of premium pay shall not apply to an employee of the Federal Aviation Administration who is eligible for the operational responsibility differential authorized by this section."

(2) The analysis of subchapter V of chapter 55 of title 5, United States Code, is amended by inserting the following new item after section 5546:

"Sec. 5546a. Operational responsibility differential for employees of the Federal Aviation Administration."

(b)(1) Subchapter V of chapter 55 of title 5, United States Code, is amended by adding the following new section 5546b after section 5546a:

"§ 5546b. Operational currency pay for air traffic controllers

"An employee of the Federal Aviation Administration, classified in the air traffic controller series, who is employed in an air traffic control center or terminal and who is not required as a condition of his employment to be certified by the Federal Aviation Administrator as medically qualified for and proficient in the separation and control of air traffic shall be eligible to receive upon attaining such certification of medical and proficiency qualifications an operational currency differential of 1.6 percent of his rate of basic pay while so certified."

(2) The analysis of subchapter V of chapter 55 of title 5, United States Code, is amended by inserting the following new item after section 5546a:

"Sec. 5546b. Operational currency pay for air traffic controllers."

(c)(1) Subchapter V of chapter 55 of title 5, United States Code, is amended by adding the following new section 5546c following section 5546b:

"§ 5546c. Pay for on-the-job training by air traffic controllers

"An air traffic controller selected by the Federal Aviation Administration and assigned to provide on-the-job training to another air traffic controller who is directly involved in the separation and control of live air traffic shall be eligible to receive premium pay at a rate equal to 10 percent of his rate of basic pay for the time that he provides such training, and such premium pay shall be in addition to and not in lieu of any other premium pay to which the air traffic controller may be entitled."

(2) The analysis of subchapter V of chapter 55 of title 5, United States Code, is amended by inserting the following new section after section 5546b:

"Sec. 5546c. Pay for on-the-job training by air traffic controllers."

(d)(1) Subchapter V of chapter 55 of title 5, United States Code is amended by adding the following new section 5546d after section 5546c:

"§ 5546d. Premium pay for loss of meal period

"An air traffic controller or a flight service station specialist, employed by the Federal Aviation Administration, working a regularly scheduled 8-hour period of service and who is required by his supervisor to work that 8-hour period without a 30 minute meal break shall be paid one-half hour at the rate of one and one-half times his rate of basic pay. The meal period shall be granted during the fourth through sixth hour of such 8-hour period."

(2) The analysis of subchapter V of chapter 55 of title 5, United States Code, is

amended by inserting the following new item after section 5546c:

"Sec. 5546d. Premium pay for loss of meal period."

(e) Section 5532 of title 5, United States Code, is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding any other provision of law, retired members of a uniformed service who are temporarily employed in an air traffic control function or in a related training function during a period determined by the Federal Aviation Administrator to require special air traffic recruitment efforts shall be entitled to continue to receive full retired or retainer pay in addition to the salary for the position occupied. The provisions of this subsection shall be effective until December 31, 1984."

(f) Section 8344 of title 5, United States Code, is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding any other provision of law, an annuitant, receiving an annuity from the Fund, upon appointment to a position in an air traffic control function or in a related training function during a period determined by the Federal Aviation Administrator to require special air traffic recruitment efforts, shall be entitled to continue to receive the full amount of the annuity in addition to the salary for the position occupied. The provisions of this subsection shall only be applicable to annuitants who filed an application for retirement with their employing agency before August 3, 1981 or whose retirement from the Civil Service occurred before August 3, 1981. The provisions of this subsection shall be effective until December 31, 1984."

(g) Section 4109 of title 5, United States Code, is amended by adding a new subsection (c) to read as follows:

"(c) Notwithstanding subsection (a)(1) of this section, the Federal Aviation Administrator may pay a person undergoing training as an air traffic controller at that employee's rate of basic pay for time the employee is assigned to training in excess of 40 hours in a workweek."

(h) Section 8339(e) of title 5, United States Code, is amended by striking the period at the end of the second sentence and adding the following in lieu thereof: ", except that this provision shall not apply to an individual who has received a refund of civil service retirement deductions pursuant to section 8342 of this title covering any period in which he was employed as an air traffic controller, unless the individual redeposits the amounts refunded pursuant to section 8334(d) of this title."

(i) The amendments made by subsections (a), (a)(2), (e), and (f) of this joint resolution shall take effect as of August 3, 1981, commencing with shifts beginning on or after 5:00 a.m. eastern daylight time. The amendments made by other subsections of this joint resolution shall take effect on the first day of the first applicable pay period which begins after the date of enactment of this joint resolution, except for subsection (h) which shall be effective upon enactment.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House insist on its disagreement to the amendment of the Senate numbered 70.

PREFERENTIAL MOTION OFFERED BY MR. COUGHLIN

Mr. COUGHLIN. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. COUGHLIN moves that the House recede from its disagreement to the amendment of the Senate numbered 70 and concur therein.

Mr. FORD of Michigan. Mr. Speaker, I demand a division of the question.

The SPEAKER. The question will be divided.

The gentleman from Mississippi (Mr. WHITTEN) is entitled to 30 minutes.

Mr. WHITTEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. FORD).

Mr. FORD of Michigan. Mr. Speaker, this nongermane amendment added by the other body, more than any in recent memory, deserves to be soundly defeated.

This amendment represents a backdoor, end-run, slip-it-through-in-the-middle-of-the-night effort by the Secretary of Transportation. This is an effort to circumvent the House and its committee system and preclude Members of this body from giving careful consideration to some very controversial matters.

Just Thursday, the ranking minority member of the Committee on Post Office and Civil Service, the gentleman from Illinois, introduced this proposal at the request of the administration. This introduction followed a meeting he and I had that same day to discuss plans for hearings and expeditious consideration of the legislation. Only hours later, that very same day, the whole package was added to the continuing resolution with virtually no debate in the other body.

The Secretary told me last night he had nothing to do with the action of the other body. I find that hard to believe. I understand from many of my colleagues he has also been implying that neither I nor the ranking member of the committee have any objection to this legislative end run. This is not true. This proposal has many controversial parts. It should be considered under the usual procedures. Let me tell you what it does.

First, it adds at least \$57.5 million in pay and benefits to this year's budget. And remember, the offer made last June to the controllers was only \$40 million. If that was sufficient last June, why do we need to provide more now? This needs to be studied.

The proposal sets a very dangerous precedent in that it would permit civil service and military retirees who

return to work at the FAA to collect both full pay and a full annuity. This is a door we may not wish to open, for once opened it may be hard to close.

The bill also provides new pay differentials and exempts many FAA employees from the premium pay cap.

I have never been one to oppose additional pay and benefits for Federal workers. Quite the contrary, I always support those proposals. I also am confident that the members of my committee are anxious to do whatever is necessary and responsible to facilitate recovery of the air traffic control system. But, at the same time we must carefully consider the effect that singling out one small group of employees for special treatment can have on the other 2 million Federal employees whose pay has been capped and whose benefits have recently been reduced by this Congress. Let me point out the dichotomy we will create if we agree to this amendment.

Under the Lewis bill, a GS-15, step 1, supervisory controller, airways facilities engineer servicing computers, or flight service station specialist providing weather information to general aviation pilots, who works the evening shift next Thursday (Thanksgiving) will be paid at an annual rate of pay for that day determined as follows:

Base pay	\$46,685
5-percent "responsibility" differential	2,334
10-percent "night shift" differential	4,668
Holiday premium pay	46,685
Total	100,372

If the individual happens to be a former retired civil servant or retired member of the Armed Forces, he will receive his pension on top of his pay for that day.

In contrast, a GS-15 FBI agent or NASA engineer, or a four-star general working the same day and the same hours will be capped at \$50,112.50, or \$57,500 if the pay cap is adjusted in the conference report.

This additional pay may be nice but will not solve the problems facing the air traffic control system. Enactment of the Lewis bill will not result in a single, new, fully checked out controller manning a scope in a center or tower next month, in time to help out with the winter crunch we all know is coming. It will not shorten the 4- to 5-year period required to train controllers for major air traffic control centers. In fact, it excludes instructors at the FAA Academy from the special pay provisions, and this has caused a serious morale problem among those who must train the 7,000 or 8,000 new recruits needed to eventually rebuild the system. This proposal is not a quick fix for the problems facing the FAA, no matter what anyone says.

Every provision in this complicated, complex proposal may be meritorious. We simply do not know if this is the

case. The proposal simply deserves more than a few brief minutes of consideration in the other body and the brief time we can give it here.

Why are we suddenly in such a rush? Ask yourself this. If the August 3 strike truly created an emergency situation requiring this legislation, why did the Secretary wait a full 3 months, until November 2, before ever sending a proposal to the Congress? And having sent it, why did he then wait another 3 weeks before asking the ranking minority member of the House committee with jurisdiction, the gentleman from Illinois, to introduce it? The Secretary has hardly behaved like a man faced with an emergency.

Finally, and I am sure my colleagues will agree with me on this, the Secretary has made a serious error in the way he has handled this matter. There are no better friends of Federal workers than the members of the Committee on Post Office and Civil Service. No committee is more sympathetic to their concerns and their needs. By trying to circumvent the committee, the Secretary has certainly made it more difficult for us to handle this legislation.

If after appropriate and thorough consideration, the committee brings this legislation to the floor, it will have the extra burden of showing why it now supports legislation it opposed as part of the continuing resolution. This will be a difficult burden to bear, and if it proves too great and the Lewis bill does not become law, the responsibility for that will rest with the Secretary, not the Congress.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I rise in strong opposition to the motion to recede and concur to the Senate provision on air traffic controller pay. At very least, including this provision in the continuing resolution is a terrible way to legislate.

The provision added in the other body is the complete text of H.R. 5038 introduced by Mr. DERWINSKI on Thursday. The proposal came up as a recommendation from the administration to deal with one of the problems currently facing the air traffic control system. Nevertheless, the legislation does not deal with the most serious problems facing the system, costs a great deal to implement, and provides such a wide range of new benefits to employees that serious legislative consideration is a must.

The Federal Aviation Administration says the provision will cost nearly \$60 million in fiscal year 1982. The long-term costs to the retirement system and the budget have not yet been computed. Since no new money is

provided for FAA in this bill, this \$60 million will have to come out of its already tight budget. Where will it come from? My information is that passage of this provision will result in an enormous reduction in force at FAA. Who will go, I don't know. Will it be the employees who make sure that the in-flight radar and ground guides are functioning properly? Will it be the employees who make sure that airports are kept in a safe condition? Will it be the employees who test all this equipment from the air? The dangers of a RIF in FAA are so great to the flying public that I will not support this legislation until I know where the money to pay for it is going to come from.

Currently, within the air traffic control system, we have 6,000 or 7,000 very tired air traffic controllers. Virtually all of them have been working 48 hours a week since August 3. No letup is in sight. Training of new controllers will, under the best circumstances, take a couple of years before the first new trainee is able to operate on a full performance level. The results from the first class at Oklahoma City are much worse than anyone expected. Seventy-two entered the class. Twenty-four made it past their first exams. While this means that FAA has kept up standards, it also means that replacing the fired controllers will be a much more long-term occupation than promised.

Providing those working with extra compensation is a short-term way of improving their morale. But, it is just a tiny part of what has to be done to restore the system. Since we are under severe budgetary constraints, I want to make sure that the \$60 million this provision will cost is the best use of \$60 million for the safety of the flying public. The legislative process is ideally suited for the task of finding out whether this program of benefits is the best use of the money. Why not let it work? Oppose this motion.

Mr. CONYERS. Mr. Speaker, will gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I would like to compliment my colleague, the gentleman from Michigan, for casting the understanding of this amendment separate from the air traffic controllers strike and the differences that arose out of it. I think common good judgment about how we structure the Federal pay system is behind the gentleman's motivation, and I totally support him in that regard.

Mr. FORD of Michigan. Mr. Speaker, I would like to say, in defense of the administration who concocted this, that I do not accuse them for 1 minute of trying to do anything special for air traffic controllers. This has nothing to do with the strike, it has

nothing to do with any union. There is, as a matter of fact, no union representing these employees any longer. That union has been disbanded.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, the gentleman has properly pointed out the manifest unfairness of this attempt to fund a pay increase for the air controllers; it certainly is unfair to other Federal employees. But there is another matter here that I think is important, which should be pointed out, that this whole package totals up to \$57.5 million, which is about \$18 million more than they were willing to offer the PATCO people a couple of months ago. The administration, which took a strike rather than offer a dollar more than their \$40 million package to PATCO 4 months ago, is now asking Congress to appropriate a 40-percent increase over that package for less than half as many controllers.

Look at the figures: 6,000 air controllers today are being offered \$57.5 million, while 16,000 controllers were offered \$40 million a few months ago. And this new package is not going to get the Nation's air traffic system a single new controller. All we will be doing with this pay and benefits increase is to give a bonus to a select class of Government employees, some of whom are strikebreakers.

Mr. Speaker, I dislike this backdoor approach to the air controller issue. Instead of trying to slip a pay package through in the dark and waning hours of this session, the administration ought to take a forthright approach. They ought to come up before the authorizing committees of Congress and testify on the legislation they want, and answer the hard questions about the condition of the air traffic system.

The administration wants to have it both ways. On the one hand, they have been telling us for weeks that the system is safe. Now they have passing the word that there is an emergency out there, and they need this pay package to keep the system going. This midnight bonus is not going to make the system safer by one iota.

Other speakers will point out other inequities of this proposal, so I will not go into more detail, with time limited as it is.

I urge defeat of the motion to recede and caucus.

Mr. FORD of Michigan. The accurate figures are that this would apply to about 6,000 controllers. You can take your own pencil and divide \$57.5 million by 6,000 controllers and you get some idea of what the impact is.

But the important consideration is that we are operating on a budget resolution that set expenditure levels for 3 years, and that is the estimated cost for the first year. Presumably, if we

are successful in getting the system back up to speed, we will have twice as many controllers in a couple of years as we have now, and the cost for those controllers will be in proportion to that increase.

Mr. UDALL. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Arizona.

□ 1640

Mr. UDALL. I want to associate myself with the remarks of the gentleman from Michigan and congratulate him on getting on top of this thing quickly. This illustrates everything that is bad about these midnight conference reports. Somewhere, somebody has a little old amendment. It takes one little group of Federal employees who have already had the 4.8 percent that everybody else is getting and takes the people who are under the pay cap now and sets them aside and said for this little special group here is a goodie and it is not Christmas yet.

This amendment ought to be defeated.

Mr. PANETTA. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from California.

Mr. PANETTA. I thank the gentleman for yielding.

Mr. Speaker, regardless of how Members decide, they ultimately are going to vote; there is a serious budget problem that is involved with this amendment.

This amendment would provide for \$57½ million to be paid, but the language of the amendment says, "shall be eligible."

That establishes an entitlement. The Parliamentarian has indicated that that is essentially a new entitlement that we are providing here.

The first budget resolution requires that if there is going to be a new entitlement, it has to be within the ceilings established by the committees. The committee in this case has not established a new entitlement to allow for this \$57½ million. Therefore, under section 305 of the budget resolution, the entire resolution would be held at the desk as required by 302 and would not be passed because there is no entitlement that allows for this provision.

Members ought to be aware of that fact in the event that the resolution does reach the point of passing both Houses.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Missouri.

Mr. TAYLOR. I thank my chairman for yielding.

There is one point I would like to clarify. I believe the chairman indicated that this cost would be approxi-

mately \$900. That was based on the division of the air traffic controllers into the amount of money; is that true?

Mr. FORD of Michigan. Well, the bill does not apply just to air traffic controllers, it applies to many more employees of FAA than air traffic controllers.

We can only estimate, because the Congressional Budget Office has not had time to cost this out for us, and the administration has no cost figures for it, except the figures in an earlier conference report, which is \$7.5 million and we worked it out on the basis of 6,000 controllers to whom we know it would be applicable, some will get a little increase and some will get a large increase. When we average \$57 million out by 6,000 controllers, it comes out to \$9,500.

Mr. TAYLOR. Is it not also true that this will be spread among more than 6,000 people? Actually we are talking about 24,000 people, because it includes, under the scope of this amendment, as I understand, and of the bill that was originally intended for the committee, and I tend to agree with the gentleman's reservation on that. Actually we are talking about 24,000 people, which included the flight service station, professional specialists, and other groups. That brings that total to which this money would be divided, not among 8,000 employees, but among 24,000 employees and, in fact, would amount to \$2,200 per employee instead of \$9,700?

Mr. FORD of Michigan. The gentleman may be correct. But, we are not talking about \$57 million to pay the salary of these people. We are talking about an increase of \$57.5 million in benefits over the present level, which is already in this year's budget.

This \$57.5 million is not to pay for new controllers. It is to pay additional compensation to people already on the job.

So we probably cannot divide the \$57.5 million among the number of people who, by definition, are affected by the amendment, since we do not know all classes of FAA employees involved.

Mr. TAYLOR. It is to pay those who stayed on the job, who did not strike, together with the other classified people who work—

Mr. FORD of Michigan. It is also to pay the managers and other employees who did not belong to the union.

It may pay everybody over there except the employees who punch the typewriters.

Mr. TAYLOR. But the point remains there are 24,000 union employees who will benefit by this amendment if it is passed?

Mr. FORD of Michigan. No.

Mr. TAYLOR. About 17,000?

Mr. FORD of Michigan. No; there are no longer any union employees who are air traffic controllers.

Mr. TAYLOR. Are not the flight service station specialists and the professional air specialists AFL-CIO union employees?

Mr. FORD of Michigan. The gentleman is a member of my committee. He may have contact with such a union. I could not answer that.

Mr. TAYLOR. I assure the gentleman that those people are members of the union and they support it also.

Mr. FORD of Michigan. I have no idea how many other FAA employees are involved.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Ohio.

Ms. OAKAR. I thank the gentleman for yielding.

I certainly want to join the gentleman in supporting the gentleman's opposition to amendment No. 70. It is very controversial. It would benefit only a handful of Federal employees. It grants these employees special pay and special benefits that have been denied other Federal workers. It appears to provide an 11.4-percent pay increase for some while at the same time more than 2 million other Federal employees this year alone experienced \$6 billion in cuts in pay and benefits for fiscal year 1982.

Now, I know that the Secretary of Transportation has been calling day and night on this issue, because we have not had one hearing on this issue and we have not had a minute of debate until this time today. I know he is characterizing this amendment as a simple procedural change in pay and benefit structure for these employees.

Believe me, it is not simple. It is not a procedural change. It is a major—and I want to repeat this—and if this is the way we want to legislate without any congressional hearing, for a handful of Federal employees at the dismay of the rest of the Federal employees, fine, but it is a major departure from the established pay and benefit system that Congress is supposed to establish.

Secretary Lewis claims this extraordinary method of passing legislation is necessary to reward these controllers who stayed on the job. But, for the record, Secretary Lewis did not submit this legislation to my subcommittee, nor to the full committee for consideration. And the legislation was only introduced on the House side last Thursday. And as the chairman pointed out, it has not even been introduced at all on the Senate side.

So, let us not usurp proper proceedings of our House's jurisdiction. This is a comprehensive change in the Federal salary schedule and the House deserves oversight and deserves a markup of a bill. And I certainly urge the rejection and join my chairman in his eloquent comment concerning this.

Mr. FORD of Michigan. I would like to ask the Members of the House to vote "no" on the Coughlin motion to recede.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. SAVAGE).

Mr. SAVAGE. Mr. Speaker, I just wanted to join in support of the gentleman from Michigan (Mr. FORD) because this proposal is indeed a deceit not to benefit our controllers but to encourage retirees and others to strike break, to take away benefits for which the air controllers are fighting. And it is interesting that the President, who was supported by the air controllers union, is now opposed to them, and I am in support of them despite the fact that the air controllers need an affirmative action program to increase the proportion of blacks among its membership.

I only hope that in all good faith and fair reciprocity if they do win they remember that Gus SAVAGE spoke for them and will consider some affirmative action in the future.

We must know that prices have gone up more rapidly than wages in this country, and if we are going to worry about the defense of America we must provide the working people, who built this Nation, with a reason to defend it. And without unions, with union busting, prices will either further outstrip wages at the time when families have both husband and wife working and cannot make ends meet. This body should not permit the President to turn it into a union-busting body.

Mr. COUGHLIN. Mr. Speaker, I yield 5 minutes to the distinguished ranking minority member of the Appropriations Committee, the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, on August 3 of this year, air travelers of this Nation experienced a shock to their flying lifestyle. This country's air traffic controllers for a number of reasons made a very agonizing decision to walk off their jobs, and whether we agree with the more than 11,000 men and women who have participated in this action or not, the fact remains that some 5,400 controllers, 3,000 supervisory personnel, decided to remain in their positions.

Mr. Speaker, many of those dedicated men and women, at great personal sacrifice, worked very long, hard, arduous hours. Many picked up their families, many moved to different locations where the staffing needs were the greatest. The pay package before us—these are the facts—represents an average of 6.6 percent—not 50 percent—6.6-percent pay improvement for working controllers and not 50 percent.

□ 1650

Mr. Speaker, all of us here go home nearly every weekend, some all the

way to California, me to Massachusetts. We fly in those airplanes. We made a deal, the Government made a deal with those controllers in those towers. When I fly home, I want those controllers to know that I am going to carry out my part of the bargain and I am not going to shirk it here today and not give them their pay raise. I think that every one of your constituents feel the same way.

So today, let us live up to their expectations, give them what they have coming, give them their 6.6 percent and the other fringe benefits, whether you agree or disagree with the strike, give them what they have coming to them.

The pay package before you today represents an average 6.5-percent pay improvement for working controllers. In fact, it equals the tentative contract that was agreed to by PATCO negotiations in June of this year. I respect and honor the objections of my colleagues that say the manner in which this package is before us violates the committee system. There is no question that exceptions to our normal legislative process should not be taken lightly.

But the outstanding and dedicated work of those people who have kept our air traffic system operating should also not be taken lightly. They have given much of themselves, they have quickly adapted to changes in their routines, they should not be denied this modest pay package which averages some 6.6-percent pay increase. The package also provides coverage for air traffic control specialists in terminals, centers, and flight service stations, flight inspection crew members, electronic technicians, engineers, and related employees.

There may be some in this Chamber who say that we need not feel pressured into acting on this proposal just because the other body included it into the continuing resolution. I agree that we should not enact the proposal in deference to the Senate; rather, we should enact it because it is the right thing to do at this time.

As many of you are aware, the transportation appropriations conference report, which is referenced in this resolution, provides for \$58 million for this pay package; it had already been considered.

We certainly could wait and allow this package to take the normal course of events, but what would be gained? We could congratulate ourselves that the process has been served, but we certainly would not be congratulating those who have sacrificed so much.

Mr. Speaker, I urge the membership to recede to the Senate on this amendment.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. CONTE. I yield to my good friend, the gentleman from California.

Mr. ROUSSELOT. I thank my colleague for yielding.

Is it not true that this is basically what the union leaders had originally agreed to? Additionally several of those air controllers agreeing to abide by the law and not strike were promised that same raise.

Mr. CONTE. Exactly.

Mr. ROUSSELOT. Well, then, I cannot understand why we are not then just going right ahead with the raise. I think my colleague, the gentleman from Michigan, is terribly confused again.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield, since the gentleman referred to me?

Mr. CONTE. Yes, I yield to my good friend, the gentleman from Michigan.

Mr. FORD of Michigan. The confusion is on that side. The people that are covered by this never have belonged to a union, unless they did in years gone by. This covers managers, the managing people.

Mr. CONTE. Well, let me say this. Again, I repeat, for you and your people back home, who are going to do a lot of traveling for Thanksgiving to see their children and grandchildren; I ask this question: Do you want those controllers up there mad at you?

All right, let us make it safe for them and give them what they have coming.

Mr. WHITTEN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. Ford).

Mr. FORD of Michigan. Mr. Speaker, I want to compliment the gentleman from Massachusetts for that outstanding display of loyalty to his administration. I take his comments with that thought in mind.

I would like to say, however, that if he can find one nickel in this amendment that will put one additional controller in a control tower between now and the expiration of this resolution, I will walk off and congratulate him.

It does not add one single body to the force of people who are supposed to protect our safety. If it did, we would be on this floor taking a much different position.

Mr. WHITTEN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Let me just make one point of clarification. I fully concur with the chairman of the full committee.

Mr. Speaker, I rise in opposition to amendment No. 70 to the continuing resolution. This nongermane amendment to the continuing resolution makes substantive changes in the air traffic controllers' pay and benefit system and should not be approved without any hearings or indeed one moment of debate.

Amendment No. 70 is a very controversial and complex change in the pay and benefit system for a handful of

Federal employees. It grants those employees special pay and special benefits that have been denied other Federal workers. It appears to provide for an 11.4-percent pay increase for some while, at the same time, more than 2 million other Federal employees have lost almost \$6 billion in pay and benefits for fiscal year 1982.

This amendment exempts certain FAA employees from the premium pay cap, exempts them from the dual compensation laws relating to military retirees, and it exempts them from the reemployed annuitant provisions of existing law.

As most Members realize, the Committee on Post Office and Civil Service has been trying for months to solve the air traffic control problems in a reasonable, responsible manner. Our committee knows only too well what is needed to bring the system back to full strength in a prudent, safe way. Certainly, the House does not wish to move in a manner that might jeopardize our efforts to resolve this potentially explosive situation. Certainly, the House does not want to spend \$58 million to implement this amendment without any more deliberation than what has taken place so far.

As chair of the Subcommittee on Compensation and Employee Benefits, the subcommittee that would have jurisdiction over the proposal, I believe amendment No. 70 is bad legislation. It contains technical flaws and totally circumvents the authority of the authorizing committee. It is an outrageous way to pass legislation, regardless of the merits of the amendment.

I know the Secretary of Transportation is characterizing this amendment as a simple procedural change in the pay-and-benefit structure for FAA employees. Believe me, it is not a simple procedural change. It is a major departure from the established pay-and-benefits system for Federal workers.

Secretary Lewis has claimed this extraordinary method of passing this legislation is necessary to reward air traffic controllers who stayed on the job and because this matter has been dragging on since the August 3 strike. For the record, Secretary Lewis did not submit this legislation to my subcommittee for consideration and the legislation was only introduced in the House on Thursday of this week by request of the administration (H.R. 5038).

The Secretary knows only too well what a complex, controversial piece of legislation this amendment really is and I urge its rejection.

Let us not usurp proper proceedings of the House jurisdiction. This is a comprehensive change in the Federal salary schedule and deserves House oversight and a markup of bills. Therefore, I urge rejection of this amendment.

Mr. McEWEN. Mr. Speaker, will the gentlewoman yield?

Ms. OAKAR. I will be happy to yield.

Mr. McEWEN. Following the gentlewoman's comments, am I correct in assuming that it is her position that the 4.8-percent increase for the air traffic controllers is more than sufficient and adequate?

Ms. OAKAR. No. That is not what I am saying. The issue is not whether these FAA employees deserve more than a 4.8-percent pay raise. We would like to have a hearing on this issue.

What I am saying, I am a Member of Congress and I believe we have the right to legislate and it is our jurisdiction to set up a salary scale, not to have it tagged on by the Secretary of Transportation who is afraid to have a congressional hearing on an issue that is very sensitive. Let us not shirk our duties as Members of Congress. We certainly promised early hearings on the administration's pay package.

Mr. WHITTEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I say the committee's motion was to insist. What we are debating now is a preferential motion, and my all means we should vote against the preferential motion.

In addition to the other things which have been pointed out, if this matter were to carry, it would have the effect of hampering the operation of Congress because the resolution would have to remain at the Speaker's desk under the provisions of the budget resolution.

Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BENJAMIN).

Mr. BENJAMIN. Mr. Speaker, I urge my colleagues to reject the preferential motion and insist on the House disagreement to Senate amendment 70 and join with me to oppose that provision of the Senate version of the continuing resolution which incorporates the provisions of H.R. 5038, a bill introduced in the House on November 19, just 3 days ago.

That bill, submitted at the request of the administration, proposes up to 11.6 percent in additional pay for certain air traffic controller personnel and includes several very controversial provisions. For example, in the bill and under the Senate provision, a GS-15, step 1, supervisory controller, airways facilities engineer servicing computers or a flight service station specialist providing weather information to general aviation pilots, who works the evening shift on Thanksgiving Day will be paid at an annual rate of pay for that day determined as follows:

Base pay	\$46,685
5 percent responsibility differential	2,334

10 percent night differential	4,668
Holiday premium pay	46,685
Total	100,372

Under this same Senate provision, if the employee is a former retired civil servant or retired member of the Armed Forces, he will also receive his pension in addition to the above-outlined pay scale.

In contrast, a GS-15 FBI agent on an investigation, a NASA engineer working on the Columbia Space Shuttle, or a four-star general in charge of a NATO maneuver on Thanksgiving Day during the same hours is capped at \$50,112.50—or \$57,000 if the pay cap is adjusted in this conference report.

In addition, the Senate provision would allow a retired air traffic controller to return to his position at the Federal Aviation Administration and receive a full salary in addition to his full annuity through December 31, 1984. This same provision applies to retired military controllers.

In summary, this proposal exempts certain FAA employees from the premium pay cap, from dual compensation laws relating to military retirees, and from the reemployed annuitant provisions of existing law. How is it possible to defend these broad exemptions without a full examination in the hearing process and in light of the sacrifices being asked of all other Federal employees?

While no cost estimate is yet available from the Congressional Budget Office, it is estimated by the Committee on Post Office and Civil Service that the cost of implementing the administration's proposal will be in excess of \$50 million in the first year and more than that amount in succeeding years. I am sure that my colleagues agree with me that a full and detailed testimony from the administration is necessary as to why on July 31, 1 day before the beginning of the air traffic controller's strike, the administration would require a \$40 million pay package for approximately 16,000 controllers as partial settlement of the contract while the present Senate provision is requesting in excess of \$50 million for approximately 7,000 to 8,000 controllers and other facilities employees.

Finally, there appears to be a difference of opinion between the administration officials and our principal colleagues in the House. Both Chairman FORD and Chairlady OAKAR share my view that the continuing resolution is an inappropriate vehicle for legislation which is as complex and far-reaching as that of H.R. 5038 and Senate amendment 70.

The administration has been less than candid in its approach to the enactment of a benefit package for air controllers. They now urge us to act on an emergency basis. The emergency, if any, is created by certain Department of Transportation policymakers

who demonstrated an ability to fire but not to properly and appropriately prosecute a pledge through the legislative channels. We will count this as practice without prejudice—let them try again with the authorizing committees.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. BENJAMIN. I yield to the gentleman from New York.

Mr. PEYSER. I thank the gentleman for yielding.

I want to understand, as the continuing resolution now stands is there any money for this payment in this present continuing resolution as it now stands?

Mr. BENJAMIN. What we have done is reduce the FAA account and then upon the insistence of the gentleman from Pennsylvania (Mr. COUGHLIN), we earmarked \$57½ million for controller pay. However, in the continuing resolution, this account was reduced by \$20 million and our approach in the conference was to disagree with our Senate colleagues.

Mr. PEYSER. Basically, if we vote to put these people in, we are going to be spending more money than we had anticipated basically in spending. We have already defeated this.

Mr. BENJAMIN. There is no doubt that if we adopt the conference motion, that we will have to come back with a supplemental appropriation.

Mr. COUGHLIN. Mr. Speaker, I yield 8 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. At the administration's request, I introduced legislation to increase pay and benefits for air traffic controllers and other airways systems personnel. Obviously, on Senate initiative, there was to be a new game plan—a plan which has complicated the legislative process.

The amendment in question was one of the multiple 11th-hour additions to the continuing resolution adopted by the other body. Specifically, the amendment added to the resolution the entire air traffic controller package which I introduced in this body Thursday. I do not believe that any substantive changes were made.

I applaud and support the air traffic controllers, supervisors, flight station personnel, and technicians who have continued to perform in admirable fashion despite difficult circumstances. I, for one, believe they merit increased compensation.

The legislative proposal I introduced is important and deserves support. The package includes a 6.6-percent increase for working air traffic controllers. That 6.6-percent improvement equals the tentative contract that was agreed to by the PATCO negotiations in June 1981.

The chairman of the Post Office and Civil Service Committee and I were prepared to implement what we considered was the correct procedure for processing this legislation.

I support the administration's effort to rebuild the air traffic control system and to restore it to prestrike capacity.

Mr. Speaker, this is not an easy subject, so without meaning to imply any attitude of disrespect for any previous speakers, let me first set the record straight.

It is true, as the gentleman from Michigan (Mr. Ford) said, that legislation had been introduced and we had reached a tentative agreement as to hearings which would be held in the second week of December.

We also agreed in general as to some of the witnesses that we would call. We understood, frankly, between us the sensitivity of the issue.

□ 1700

Then the Senate acted and incorporated the bill that was introduced in the House, into the Senate bill. So I find myself in a position of questioning whether my loyalty lies to House procedures or whether my loyalty lies to the legislative goal. And obviously, once one separates oneself from the detached world of the legislative arena, one realizes that it is the final goal that is important, not any addiction to procedure. So I have to reach my conclusion in that fashion.

Now, let us get a few other facts straight, because the debate has been handled with cleverness, not necessarily with facts.

Let me remind the Members that on August 3 PATCO commenced an illegal strike. I assume nobody will challenge that statement because it was illegal.

Second, at that point approximately 3,000 PATCO members continued to work, along with approximately 2,500 non-PATCO controllers. That is approximately 5,500 people. They were joined by supervisors, military personnel, and some retirees called back to duty. That new collection of manpower has very effectively and safely handled the airlines.

The proposal in the bill which I introduced, which the Senate adopted, merely provides for all the workers who continued to work, the same pay package that Mr. Poli, on behalf of PATCO, signed on the 22d of July and then repudiated in their vote. I may have the date wrong, but the point is, they signed the agreement, then rejected it, then staged an illegal strike. And the figures contained in this Senate proposal are identical to the package that had been negotiated and signed.

At this point, these figures would apply to everyone now manning the FAA responsibility in the airlines,

which would mean traffic control specialists in terminals, flight inspection crews, technicians, and people doing the training in addition to their normal workload.

The figure, again I emphasize, is what would have been in force if the contract had been accepted.

Now, here is where we get to what I think is the guts of the issue.

First, public opinion is completely behind the President in continuing the services provided by our airlines. I think Members who come from the most union-oriented districts find little sympathy for the striking PATCO members.

Second, in my opinion, PATCO has set back the cause of public unionism at least 25 years. They have harmed every public employee union in the country by their arrogance and the attitude they took. There is no public sympathy for them.

Third, we are in an unusual situation. Here we are struggling through this awesome piece of legislation when most Members have one ear tuned to the Redskins-Cowboy game. So it is an unnatural atmosphere to begin with, plus this nail-biting as to whether the Government will go on tomorrow morning with any sort of official budget.

Then we, of course, also live in an artificial world of our committees, where we sit in solitary splendor thinking every judgment we make is the most awesome in the world. I understand that, since I think my two committees are the two greatest that a legislative body ever had.

But the reality is this: We have a safely functioning air control system. We have people who have labored under great pressure to keep it so. They are being offered a pay package consistent with previous decisions. They are entitled to it. And then, because we are caught in an unnatural budget problem of our own, we are turning our backs on the realities of the air traffic issue.

The issue is simply this: Do we want the continued, effective service of the present air traffic system? If we do, we must support the Senate position. If we do not, and we want further responsibility for possible chaos in that area, or if we want to take the position that we are going to force the Government to take these strikers back even when they flagrantly violated the law, support the Ford position.

I would like to close by making a necessary comment about the Secretary of Transportation.

Mr. PEYSER. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. In just a moment. The last time I recognized the gentleman he was on this side of the aisle. Oh, no. That was years ago.

I would just like to make this point. One Member questioned the good

faith of the Secretary. I happen to think he has good faith. I happen to think he is an amateur when it comes to judging legislative problems, and part of the problem we have is the Secretary's overeagerness to cooperate with the Senate. But if we were in his shoes, I would probably do the same thing.

There was a statement that he was afraid of a hearing. He is not. He makes an excellent witness. He has been before our committee, and nobody could lay a glove on him, and they will not when he comes again in few weeks.

Then the reality of my committee, frankly, the Committee on Post Office and Civil Service, is this. Those Members who were here when we passed Civil Service reform and, years ago, post office reform, recall the procedure. The committee is slightly unbalanced in its legitimate bias. As a result, it always produces, on a major gut issue like this, an imperfect instrument, which we then correct on the floor. So my expectation was that we would cooperate in the timetable, bring an imperfect instrument to the floor, correct it, and then we would have true reform of the benefits package for air traffic safety employees.

But that issue did not come quite that way. It is here today. And if we accept the Senate position, we are voting for the effectiveness of the safety conditions in the air. We are saying that we, as a Congress, understand that the law does not permit Federal employees to strike. We are saying we knew these people brazenly defied that law, thinking they could bring the Government and the country to a standstill. They badly miscalculated. And if we insist on the House position as opposed to the Senate position, we are the ones who are risking the safety of air travelers.

Mr. GLICKMAN. Mr. Speaker, will the gentleman yield?

Mr. DERWINSKI. I yield to the gentleman from Kansas.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. COUGHLIN. Mr. Speaker, I yield 2 additional minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. GLICKMAN. Mr. Speaker, while I do not agree with the gentleman in his attitude about perhaps the brazen attitude of the strikers, I would have to tell the Members that there are a lot of very overworked human beings in these air traffic control towers right now. And starting tonight, these people face perhaps the most hectic period of their time.

I do believe that the Secretary of Transportation had promised some benefits, and from what the gentleman from Illinois was saying, those benefits are substantially included in the Senate package.

Mr. DERWINSKI. Completely.

Mr. GLICKMAN. So I would say that while I also respect the problems of people on the Post Office and Civil Service Committee who have some jurisdictional problems, I think that these are benefits these traffic controllers need and deserve, apart from the strike issue. I think the administration may have mismanaged part of the strike issue, but we have these people now working in every airport in the country, they are overworked, and they will be way overworked when the snows hit O'Hare Airport between now and Christmas Day. I think the Senate provision should prevail.

Mr. DERWINSKI. Mr. Speaker, let me just take the inspiration given me by the gentleman from Kansas.

That is the point. The issue here is not the nobility of the Post Office and Civil Service Committee chairman. I would attest to that nobility. The issue here is not the wisdom and strength of the gentleman from Indiana (Mr. BENJAMIN). I will attest to his wisdom and strength. But we are not voting on that.

What we are voting on is a package to give the honorable, loyal, hard-working air traffic controllers a pay package that their striking brethren could have had if they obeyed the law. And that is the issue that is going to come across to the country in the next few days, if we wind up in an impasse on this issue.

The SPEAKER pro tempore. The time of the gentleman has again expired.

The gentleman from Pennsylvania (Mr. COUGHLIN) has 15 minutes remaining, and the gentleman from Mississippi (Mr. WHITTEN) has 6 minutes remaining.

Mr. COUGHLIN. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. I thank the gentleman for yielding.

□ 1710

Mr. SNYDER. Mr. Speaker, I think a couple of things need to be put in proper perspective, and perhaps they have been. The question was raised as to what this does to the budget. Let me say that this does not increase the Federal spending, but this cost is going to be absorbed by the FAA's operating budget for fiscal year 1982, and is already included in its total.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield at that point?

Mr. SNYDER. Surely.

Mr. ROUSSELOT. It does not increase the cost of Government, is that correct?

Mr. SNYDER. That is what I said.

Mr. ROUSSELOT. Then we have heard another false statement.

Mr. SNYDER. That is right. It is not a question of balancing the budget, it is not a question of cutting the spend-

ing. It is in there, in the operating part. But, it is a question of equity; it is a question of honor. It is simply a question that 5,400 air traffic controllers, 3,000 supervisory personnel, the people who work on the equipment, the flight service station personnel, they have maintained our system, working together under very difficult circumstances since last August when we had that unauthorized and illegal strike.

If there had been no strike there would have been many more thousands who would have gotten this under the package that the Secretary of Transportation offered. So, this is what the deal is. It is the deal negotiated with the Secretary of Transportation when the PATCO people also signed onto and, which they subsequently had them to reject.

If the House in its weary wisdom, and I know that we are all tired here at 5 o'clock on Sunday afternoon, chooses to reject this amendment, we are thumbing our noses literally at the very people who defied enormous peer pressure, patriotic Americans who obeyed the law, who abided by their contracts, stayed on the job, who kept our airways open and safe for the past 16 weeks; we are going to say to them, "It doesn't pay to stand by your word, to stand by your Government and to work your butts off to keep our airways safe for those people going back and forth."

Like the gentleman from Kansas alluded to, these people were required early on to work 60 hours a week, and that is tough. We can understand that the last couple of days around here. They are down now to 42 or 44 hours. With the holidays coming on, they are going to have to go back to 60 hours.

I do not like legislating on an appropriation bill. That is a legitimate complaint, but this problem is with us now and needs to be solved now. That legislative committee can have its hearings. If they determine that this action is wrong they can amend it, they can up it, they can lower it, whatever is proper within the next couple of months. Sixteen weeks ago the air traffic controllers who defied their union, stayed by their contract, and by their oath and by the United States Code, stayed on the job, they did not say, "Wait." They did not say, "We are going to have hearings to see whether we are going to keep your airlines running." They went ahead and worked and stayed at their positions and did what they were supposed to do.

The SPEAKER pro tempore. The time of the gentleman from Kentucky has expired.

Mr. COUGHLIN. Mr. Speaker, I yield 1 additional minute to the gentleman from Kentucky.

Mr. SNYDER. This is just an attempt to reward those people for dedication in an honorable way, to say,

"Yes, you did what was right, and we are going to give you what we promised you."

That is all it is, and I want to say that they stayed on the job, and those who are becoming controllers deserve this inducement. They received the compensation that they were agreed to by the Department of Transportation subject to the approval of Congress and I hope that Members will support the gentleman's motion to recede and concur and agree in the Senate's proposition to keep our commitment to these people who kept their commitment to us.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. SNYDER. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I initially heard, did the gentleman say 3,000 supervisors and 5,400 controllers?

Mr. SNYDER. They are included in the group.

Mr. VOLKMER. That is what the gentleman said?

Mr. SNYDER. That is not the total number, because it also includes about 24,000 or 25,000. The other 17,000 belonged to other unions.

Mr. VOLKMER. But there are 3,000 supervisors for 5,400 controllers. That is almost 1 supervisor for 2 controllers.

Mr. COUGHLIN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. LIVINGSTON. Mr. Speaker, I doubt that I will even take the full 2 minutes. I just want to point out that this is a procedural vehicle. The gentleman on the other side who spoke and said that they should not bring this matter up now may be right, but this is a procedural vehicle to do what is right, to compensate those people who stood by this Nation in a moment of crisis, at a time when the entire air transportation network threatened to close down, when the doomsayers throughout the country said the entire country would collapse because we had no air traffic. A handful of controllers and operators worked overtime and did what was necessary to keep the country operating.

If we refuse to recognize those people, if we turn this motion down, if we attempt to deprive them of what is rightfully theirs, what they have earned over the last trying months and will continue to earn into the next few weeks, into the Thanksgiving and into the Christmas holidays, then we are not doing our job in living up to our responsibilities.

Mr. PEYSER. Mr. Speaker, will the gentleman yield for a question?

Mr. LIVINGSTON. I yield.

Mr. PEYSER. I would just like to know, because I am curious: What is the median pay scale of the people we

are talking about now? How much do they earn?

Mr. LIVINGSTON. The amendment before us, if I can reclaim my time—

Mr. PEYSER. What is the answer?

Mr. LIVINGSTON. I only have 2 minutes.

The SPEAKER pro tempore. The gentleman in the well has the time.

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Speaker, just because I have heard so many times now the argument about how we have not had hearings, something being brought to this floor without hearings, I have been a Member of this body for 5 years, and as Members on the other side of the aisle know, that has been a very frequent thing.

Mr. LIVINGSTON. I would just like to sum up by saying that these people deserve what we are talking about, that they have earned it. Let us give it to them.

Mr. WHITTEN. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Speaker, Members of the House, I oppose the preferential motion and support the chairman of the Education and Labor Committee, but probably for different reasons than have been expressed. First of all, I want to answer the gentleman from Louisiana. What he is really asking us to do is to vote for a bonus for people who have obeyed the law. That is really what he is asking us to do, to give a bonus to people who have obeyed the law. I do not know that that is a good precedent for us to set.

Second, for all of the people who are now working or are good employees, I understand that there are thousands and thousands of applications of people who are trying to become employees of the FAA at existing economic salaries. I do not know that the demand is there.

Third, I would have to agree with the committee that in an issue like this, however emotional, that maybe on the House floor we ought to at least have the opportunity to consider this in a committee so that we can make a reasoned determination as to whether or not they deserve the increase.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. JENKINS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I think the gentleman makes a good point. Is it fair to assume that the more money they make, the more hours they are going to work?

Mr. JENKINS. I really do not know. I would like to make one other point, also. There are a lot of military people working out there who have been called in. Do they get the 6.5 percent?

No; they do not. So, I just do not think this legislation has been reasoned out, and I urge the Members of the House to support the gentleman from Michigan, the chairman of the Education and Labor Committee.

Mr. COUGHLIN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGRICH).

Mr. GINGRICH. Mr. Speaker, I thank the gentleman for yielding. Some Members may be confused about the issue at stake here. For example, there are some politicians who seem shocked that we might want to provide a bonus for people who obey the law. This is a change for some politicians who have believed in bonuses for breaking the law rather than obeying the law, and they may be shocked that we would reinforce and applaud people who stayed on the job and tried to help America.

What is really at stake, and I think it is important to focus on this because there has been misinformation in this debate, there are two unions who belong to the AFL-CIO, whose members are involved, watching. There are over 6,000 men and women who were controllers, who are controllers, who chose to obey the law, and they are watching. The people who kept the airlines safe are watching.

Now, it is true that some PATCO Congressmen have no interest in passing a pay raise unless they can set up standards that guarantee rehiring striking controllers.

□ 1720

It is true there are some Members who favor Mr. Poli and the right of certain employees to strike and who want to block any effort to help the people who stayed on the job. We have heard Members complain about the Secretary of Transportation, Drew Lewis, but this Congress has had 4 months to pass a pay bill to reward the people who helped America. Congress did not act.

Now we can act. The burden is on us, not on Drew Lewis. An "aye" vote on this proposal will be seen by the American people as a vote for the controllers who obeyed the law and worked to keep the traffic moving and operating safely. A "no" vote on this proposal will be seen by the American people as a vote for breaking the law, for illegal strike by Federal employees, and against the men and women who served America in a crisis.

I say to the Members who will be flying home for Thanksgiving, is it not time to help those people who helped us in a time of crisis?

Mr. REGULA. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Speaker, the gentleman used the word, "bonus." As I understand it, this is not retroactive,

and a bonus normally implies something paid for past services.

I just want to be sure that I understand this. This would simply implement a contractual relationship made many, many months ago and would be entirely prospective, in other words, for the services; is that correct?

Mr. GINGRICH. Mr. Speaker, the gentleman, who is a member of the Appropriations Committee, is exactly correct. I was only pointing out that psychologically I feel it is time that we helped the people who helped us in this crisis.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I yield to the gentleman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I thank my colleague for yielding.

Let me ask, who is covered in this in addition to the air controllers and the supervisors mentioned? Are any of the other people covered?

The SPEAKER pro tempore (Mr. KAZEN). The time of the gentleman from Georgia (Mr. GINGRICH) has expired.

The Chair recognizes the gentleman from Mississippi (Mr. WHITTEN).

Mr. WHITTEN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I would like to call the attention of my colleagues here to the fact that this provision would not have been permissible, under the rules in the House. It was written in the other body. It changes a number of laws without hearings as far as we are concerned, without any information. We are advised that they are changing law in a half dozen other directions.

This procedure would have been out of order had it been offered in the House, but it was written in the Senate. Had we done these things, according to the statement before us, it would have complicated a matter that should be taken care of by other means; it would be before a legislative committee whose business it is, and they would have looked at all angles of it.

This is in complete violation of the rules of the House. It would not be before us except that the Senate put it in.

Mr. Speaker, I urge the Members to vote down the pending amendment and call on the gentleman from Michigan (Mr. FORD) to take care of the matter properly, as he will do. I hope the Members will vote this down and let us proceed to other matters.

Mr. COUGHLIN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I urge my colleagues to vote to recede to the Senate amendment. In the other body this was not a partisan question; it had very broad bipartisan support.

The object was to give those men and women who stayed on the job the

pay that was agreed to and had been agreed to previously by the Secretary of Transportation and by the Air Traffic Controllers Union, to give them that break and to keep faith with those people who stayed on the job and did the job.

Mr. DERWINSKI. Mr. Speaker, will the gentleman yield for one question?

Mr. COUGHLIN. I am happy to yield to the gentleman from Illinois.

Mr. DERWINSKI. Mr. Speaker, these figures contained in the Senate amendment would in fact have been the pay scale for the PATCO employees had they not gone on that illegal strike; is that not correct?

Mr. COUGHLIN. The gentleman is absolutely correct.

Mr. Speaker, let me make it clear in addition that this does not involve additional money. There is already money earmarked in the bill for this pay package. All this does is permit the Department to go ahead and apply the pay package that they had previously agreed to with the PATCO people. It provides a 6.6-percent raise across the board, the same raise that was agreed to in the negotiations between PATCO and the Department of Transportation initially.

The package that we are talking about—and that is a part of the continuing resolution through the Senate amendment—was in fact submitted to the authorizing committees back in the first part of November. It was reviewed with the chairman of the authorizing committee. It is not something that has just come down.

I say to my colleagues that if the authorizing committees and the Congress in their wisdom seek to change the package, it can be changed at any time, and that action would supersede the action of the Appropriations Committee. This is a stopgap proposition we are talking about. It is a stopgap proposition to permit the Department to pay the people who stayed on the job what they deserve and what they are entitled to.

Mr. ROUSSELOT. Mr. Speaker, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I thank my colleague for yielding. One of my colleagues on the other side mentioned a moment ago that this was not fair to those from the military who had agreed to participate as air controllers. The military just received a 14-percent increase, so I really do not feel they were put in an unfair position by this amendment. I merely wanted to add that to this discussion because I do not believe that is an adequate reason for opposition to the raise.

Additionally, I am surprised that my good colleague, the gentleman from Mississippi (Mr. WHITTEN), raised the issue of nongermaneness. There are all

kinds of major issues here and they are in this bill that would not be germane in this bill before us if House Members were able to make those points of order.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. Mr. Speaker, I think I have found the answer to the question I was trying to pose earlier.

We were told on the floor of this House that only 6,000 people were involved, and if we divide 50 some million by 6, that means \$9,000 for each of them.

I would like to know if my information is correct. Is it or is it not correct that there are 17,000 other people belonging to AFL-CIO unions who would be covered by this legislation?

Mr. COUGHLIN. Mr. Speaker, the gentlewoman is absolutely correct.

When the agreement was originally negotiated, it was just with the air traffic controllers, but it was always the intention of the Department that when that agreement was finalized, it would have to apply to the other employees in the Department, the air traffic control specialists, as well as the people who operate the flight service stations, the flight crew inspectors, and others.

Mr. FORD of Michigan. Mr. Speaker, will the gentleman yield so I may give a response to the gentlewoman from New Jersey?

Mr. COUGHLIN. I think the gentlewoman has received her response. Let me finish my statement, and I will then gladly yield to the gentleman.

Mr. FORD of Michigan. The gentleman has made his remarks. I might start calling for a quorum.

Mr. COUGHLIN. Mr. Speaker, it is my time.

Mr. FORD of Michigan. Now, Mr. Speaker, I yielded to all the gentlemen on the other side.

The SPEAKER pro tempore. The House will please be in order.

Mr. FORD of Michigan. Mr. Chairman, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The gentleman in the well does not yield to the gentleman from Michigan.

Mr. COUGHLIN. I do not yield, Mr. Speaker.

The SPEAKER pro tempore. The gentleman in the well has the time.

Mr. COUGHLIN. Mr. Speaker, the controllers who stayed on the job, as well as those who have come aboard since the strike, did that in reliance on the fact they would get the pay package that had been agreed upon between the Department and PATCO originally.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. COUGHLIN) has expired.

Mr. COUGHLIN. Mr. Speaker, I yield myself 1 minute.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. COUGHLIN) has 1 minute remaining, and he is recognized for that 1 minute.

Mr. COUGHLIN. Mr. Speaker, I urge my colleagues to support the controllers, the men and women who stayed on the job.

Let me say that this package also includes provisions for overtime and the temporary hiring of retirees, which is absolutely vital as we come to the holidays. If we do not want to have a major crisis with our airlines during the holiday season, we have got to pass this package and permit that to be done.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania (Mr. COUGHLIN) has expired.

The Chair will state that the gentleman from Mississippi (Mr. WHITTEN) has 1 minute remaining.

Mr. WHITTEN. Mr. Speaker, I yield my remaining 1 minute to myself.

Mr. Speaker, may I say to my colleagues that involved here is not the merits of rewarding these people who have done such a good job; involved is not the question of whether we should do it on this bill which would be a violation of the rules if offered in the House.

□ 1730

Involved is the fact that you have a continuing resolution that, unless we get it adopted, or something like it adopted, we will have a closed Government tomorrow. You are involved in a very complex question, a legal question with entitlements that are created here, and if you should adopt this amendment you are seriously jeopardizing the one way we have of keeping the Government in business tomorrow.

I ask my colleagues to vote down this amendment and do not complicate a continuing resolution. Let us go ahead and count on the gentleman from Michigan (Mr. FORD) and the others doing this in a proper way. I may agree with the gentleman as to what should be done, but let us not do it here in a continuing resolution and jeopardize the very operations of the Government tomorrow.

Let us turn this down and put it in the proper place and write it into the law like it ought to be.

The SPEAKER pro tempore. All time has expired.

The question is, Will the House recede from its disagreement to the amendment of the Senate numbered 70?

The question was taken; and on a division (demanded by Mr. COUGHLIN) there were—yeas 121, nays 87.

RECORDED VOTE

Mr. FRENZEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 213, noes 183, answered "present" 1, not voting 36, as follows:

[Roll No. 334]

AYES 213

Anderson	Forsythe	Moore
Andrews	Fountain	Moorhead
Applegate	Frenzel	Morrison
Archer	Gibbons	Mottl
Ashbrook	Gilman	Napier
Atkinson	Gingrich	Nelligan
Badham	Glickman	Nelson
Bafalis	Goodling	Nichols
Bailey (MO)	Gradison	O'Brien
Barnard	Gramm	Oxley
Beard	Green	Parris
Benedict	Gregg	Pashayan
Bennett	Grisham	Patman
Bereuter	Gunderson	Petri
Bethune	Hall, Ralph	Porter
Bliley	Hamilton	Pritchard
Boland	Hammerschmidt	Quillen
Bowen	Hansen (UT)	Railsback
Breaux	Hartnett	Regula
Brinkley	Heckler	Rhodes
Broomfield	Hendon	Rinaldo
Brown (CO)	Hightower	Ritter
Brown (OH)	Hiler	Roberts (KS)
Broyhill	Holt	Roberts (SD)
Burgener	Hopkins	Robinson
Butler	Horton	Roemer
Byron	Hunter	Rogers
Campbell	Hyde	Roukema
Carman	Ireland	Roussetot
Carney	Jeffords	Rudd
Chappie	Jeffries	Sawyer
Cheney	Johnston	Schneider
Clausen	Kastenmeier	Schulze
Clinger	Kemp	Sensenbrenner
Coats	Kindness	Shamansky
Coleman	Lagomarsino	Shaw
Collins (TX)	Latta	Shelby
Conable	Leach	Shumway
Conte	Leath	Shuster
Corcoran	LeBoutillier	Siljander
Coughlin	Lee	Skeen
Courter	Lent	Smith (AL)
Coyne, James	Levitas	Smith (NE)
Craig	Lewis	Smith (NJ)
Crane, Philip	Livingston	Smith (OR)
Daniel, Dan	Loeffler	Snowe
Daniel, R. W.	Lott	Snyder
Dannemeyer	Lowery (CA)	Solomon
Daub	Lujan	Spence
Davis	Lungren	Stangeland
DeCard	Marks	Stanton
DeNardis	Marlenee	Staton
Derwinski	Marrriott	Stenholm
Dickinson	Martin (IL)	Stratton
Dougherty	Martin (NC)	Stump
Dreier	Martin (NY)	Tauzin
Dunn	Mazzoli	Taylor
Edwards (AL)	McClory	Thomas
Edwards (OK)	McCollum	Trible
Emerson	McCurdy	Vander Jagt
Emery	McDade	Walker
English	McDonald	Weber (MN)
Erdahl	McEwen	Weber (OH)
Erlenborn	McGrath	White
Evans (DE)	McKinney	Whitehurst
Evans (IA)	Mica	Whittaker
Fenwick	Michel	Wilson
Fiedler	Miller (OH)	Wolf
Fields	Mitchell (NY)	Wortley
Findley	Molinari	Wylie
Fish	Montgomery	Young (FL)

NOES—183

Addabbo	Blanchard	Collins (IL)
Akaka	Boggs	Conyers
Albosta	Boner	Coyne, William
Alexander	Bonior	Crockett
Annunzio	Bonker	D'Amours
Anthony	Bouquard	Danielson
Bailey (PA)	Brodhead	Daschle
Barnes	Brooks	de la Garza
Bedell	Brown (CA)	Dellums
Bellenson	Burton, John	Derrick
Benjamin	Chappell	Dicks
Bevill	Clay	Dingell
Bingham	Coelho	Dixon

Donnelly	Hoyer	Rangel
Dorgan	Hubbard	Ratchford
Dowdy	Huckaby	Richmond
Downey	Hutto	Rodino
Dwyer	Jacobs	Roe
Dymally	Jenkins	Rosenthal
Dyson	Jones (TN)	Rostenkowski
Early	Kazen	Roybal
Eckart	Kildee	Russo
Edgar	Kogovsek	Sabo
Edwards (CA)	LaFalce	Savage
Ertel	Lehman	Scheuer
Evans (GA)	Leland	Schroeder
Evans (IN)	Long (LA)	Schumer
Fary	Long (MD)	Seiberling
Fascell	Lowry (WA)	Shannon
Fazio	Luken	Skelton
Ferraro	Lundine	Smith (IA)
Flithan	Markey	Smith (PA)
Flippo	Matsui	Solarz
Florio	Mavroules	St Germain
Foglietta	McHugh	Stark
Foley	Mikulski	Stokes
Ford (MI)	Miller (CA)	Studds
Ford (TN)	Mineta	Swift
Fowler	Minish	Synar
Frank	Mitchell (MD)	Traxler
Frost	Moakley	Udall
Garcla	Moffett	Vento
Gaydos	Murphy	Volkmmer
Gedensson	Murtha	Walgren
Gephardt	Natcher	Washington
Ginn	Neal	Watkins
Gonzalez	Nowak	Waxman
Gore	Oakar	Weaver
Gray	Oberstar	Weiss
Guarini	Obey	Whitley
Hall, Sam	Ottinger	Whitten
Hance	Panetta	Williams (MT)
Harkin	Patterson	Wirth
Hatcher	Pease	Wolpe
Hawkins	Pepper	Wright
Hefner	Perkins	Wyden
Heftel	Peyser	Yates
Hertel	Pickle	Yatron
Holland	Price	Young (MO)
Hollenbeck	Pursell	Zablocki
Howard	Rahall	Zeferetti

ANSWERED "PRESENT"—1

Hall (OH)

NOT VOTING—36

Aspin	Hansen (ID)	Paul
AuCoin	Hillis	Reuss
Biaggi	Hughes	Rose
Bolling	Jones (NC)	Roth
Burton, Phillip	Jones (OK)	Santini
Chisholm	Kramer	Sharp
Crane, Daniel	Lantos	Simon
Dornan	Madigan	Tauke
Duncan	Mattox	Wampler
Fuqua	McCloskey	Williams (OH)
Goldwater	Mollohan	Winn
Hagedorn	Myers	Young (AK)

□ 1740

Mr. ANDREWS changed his vote from "no" to "aye."

So the House receded from its disagreement to the amendment of the Senate numbered 70.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is, Will the House concur in the amendment of the Senate numbered 70?

The House concurred in the amendment of the Senate numbered 70.

□ 1740

PARLIAMENTARY INQUIRIES

Mr. NEAL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. NEAL. Mr. Speaker, I am told by a member of the Budget Committee staff that under Gramm-Latta I, section 305, any conference report which exceeds allocations in the budget resolution cannot be enrolled, therefore cannot be sent to the President for signature until Congress adopts a second budget resolution. I am further told what we just adopted exceeds those budget resolutions. It essentially kills the conference report.

The effect of what I am saying is that we have just killed the conference report.

The SPEAKER pro tempore. The Chair will advise the gentleman that that result is not inevitable. There are ways to waive that provision.

Mr. GLICKMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. GLICKMAN. Mr. Speaker, has a motion to reconsider been laid on the table with respect to that amendment?

The SPEAKER pro tempore. The Chair will advise the gentleman that it has not.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 73: Page 9, after line 5, insert:

SEC. 142. (a) Subsection (f) of section 280A of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following paragraph:

"(4) COORDINATION WITH SECTION 162(A)(2), ETC.—Nothing in this section shall be construed to disallow any deduction allowable under section 162(a)(2) (or any deduction which meets the tests of section 162(a)(2) but is allowable under another provision of this title) by reason of the taxpayer's being away from home in the pursuit of a trade or business (other than the trade or business of renting dwelling units)."

(b) The amendment made by this section shall apply to taxable years beginning after December 31, 1981.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

Mr. CONTE. Mr. Speaker, reserving the right to object, I yield to the gentleman from Rhode Island (Mrs. SCHNEIDER).

Mrs. SCHNEIDER. Mr. Speaker, while I believe Federal spending must be reduced, the conference report on the continuing resolution is an inadequate, irresponsible approach. Therefore, I intend to vote for a motion to recommit and against the conference report.

My reasons are straightforward. I cannot in good conscience vote for a stop-gap funding measure that axes

domestic programs, applying an across-the-board 2-percent cut, with reckless disregard for human needs and priorities. At the same time, the measure as proposed fails to attack waste, abuse, and generous subsidies of other programs.

I happen to believe that some Government functions such as education and energy assistance, are more important than others, such as pork barrel water projects, tobacco subsidies, and Government perks. Yet the spending proposal before us sets no priorities and exercises no discretion. Many of the human service programs that fall under the 2-percent cut have already been cut to the bone.

How can Congress in good conscience cut spending on the Nation's education programs by \$1 billion, while granting itself a 4.8-percent pay raise? I cannot support a measure that includes a pay raise when there is no assurance of a subsequent vote to strike the pay raise.

How can Congress see fit to keep alive and kicking farm support and loan programs that we simply cannot afford: \$79 million for tobacco, \$75 million for sugar, and \$500 million for dairy supports, just for starters. Taxpayers foot the bill not once but twice—with the higher prices we pay at the grocery store as a result.

Meanwhile, pork barrel survives in its glory. Congress has seen fit to slate \$195 billion for the Clinch River breeder reactor in Tennessee and \$189 million for the Tennessee-Tombigbee Waterway. Both projects are prime examples of blank checks written on the American taxpayer's account.

Government frills stay in place, as well. We spend \$25 million a year for garage attendants for the House of Representatives, a generous budget at best. We spend \$5 million a year on the use of enlisted personnel as personal servants for high-ranking military personnel.

And, while I believe we must improve our military, I have long maintained that a lean and mean, deterrent-oriented force requires paring of fat and waste and a more thoughtful, coordinated overall defense spending strategy. Defense has in fact been exempted from the close scrutiny applied to Government spending in other areas. The 2-percent cut proposed in defense spending is temporary and cosmetic. It applies only to unobligated funds until December 9, or until Congress completes action on the Defense appropriations bill for fiscal year 1982.

The budget approach presented to us today is clearly shortsighted and unbalanced. There is no doubt in my mind that Government spending must be reduced, with the end goal of achieving a balanced budget and revitalizing our economy. But better judgment in terms of fairness and human

need must be applied. There are too many fat cats, while, for example, children are asked to eat smaller school lunches and Americans in the frostbelt get little relief from higher and higher fuel bills. Equity must be the bottom line to any economic policy.

Mr. CONTE. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi (Mr. WHITTEN)?

There was no objection.

MOTION OFFERED BY MR. FAZIO

Mr. FAZIO. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. FAZIO moves that the House insist on its disagreement to the amendment of the Senate numbered 73.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 74: Page 9, after line 5, insert:

SEC. 143. Notwithstanding any other provision of law or of this joint resolution, of the fiscal year 1982 Highway Trust Funds available for emergency relief, \$17,000,000 shall be made available for damaged highways or for the prevention of damage to highways in the area affected by eruptions of the Mount St. Helens volcano.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 74 and concur therein with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

SEC. 143 (a) Notwithstanding any other provision of law or of this joint resolution, of the fiscal year 1982 Highway Trust Funds available for emergency relief, \$17,000,000 shall be made available for damaged highways or for the prevention of damage to highways in the area affected by eruptions of the Mount St. Helens volcano.

SEC. 143 (b) Notwithstanding any other provision of title 23, U.S.C., or of this joint resolution, the Secretary shall approve, upon the request of the State of Indiana, the construction of an interchange to appropriate standards at I-94 and County Line Road at the Porter-La Porte County Line near Michigan City, Indiana, with the Federal share of such construction to be financed out of funds apportioned to the State of Indiana under section 104 (b)(5)(A) of title 23, U.S.C.

SEC. 143 (c) Notwithstanding any other provision of law, or of this joint resolution any proposal for deferral of budget authority under section 1013 of the Impoundment

Control Act of 1974 (31 U.S.C. 1403) with respect to budget authority for expenses related to the Northeast Corridor Improvement Project authorized under title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210) shall, upon transmittal to the Congress, be referred to the House and Senate Committees on Appropriations and any amount of budget authority proposed to be deferred therein shall be made available for obligation unless, within a forty-five-day period which begins on the date of transmittal and which is equivalent to that described in section 1011 (3) and (5) of the Impoundment Control Act of 1974 (31 U.S.C. 1401 (3) and (5)), the Congress has completed action on a bill approving all or part of the proposed deferral.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The clerk read as follows:

Senate amendment No. 75: Page 9, after line 5, insert:

SEC. 144. Notwithstanding any other provision of law or of this joint resolution, none of the funds appropriated by this joint resolution or by any other Act shall be obligated or expended to increase, after the date of enactment of this joint resolution, any salary of any Federal judge or Justice of the Supreme Court, except as may be specifically authorized by Act of Congress hereafter enacted: *Provided further*, That nothing in this limitation shall be construed to reduce any salary which may be in effect at the time of enactment of this joint resolution nor shall this limitation be construed in any manner to reduce the salary of any Federal judge or of any Justice of the Supreme Court.

Mr. WHITTEN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

MOTION OFFERED BY MR. WHITTEN

Mr. WHITTEN. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. WHITTEN moves that the House recede from its disagreement to the amendment of the Senate numbered 75, and concur therein.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

GENERAL LEAVE

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the

consideration of the conference report and amendments reported in disagreement on House Joint Resolution 357, and that I may include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. GLICKMAN. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. GLICKMAN. Mr. Speaker, if I voted on the prevailing side on the last amendment, would a motion to reconsider that vote lie?

The SPEAKER. The Chair would advise the gentleman that had he sought recognition at the right time, the gentleman could have moved for reconsideration, all motions to reconsider have been laid on the table by unanimous consent.

AUTHORIZING SPEAKER TO SIGN ENROLLMENT OF HOUSE JOINT RESOLUTION 357, NOTWITHSTANDING PROVISIONS OF HOUSE CONCURRENT RESOLUTION 115

Mr. CONTE. Mr. Speaker, I ask unanimous consent that notwithstanding the provisions of House Concurrent Resolution 115, the Speaker be authorized to sign the enrollment of House Joint Resolution 357.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts that the Clerk be permitted to enroll House Joint Resolution 357 if finally passed by both Houses?

Mr. PANETTA. Mr. Speaker, reserving the right to object, does the gentleman refer to section 315 or 305?

Mr. CONTE. Really all the provisions of the House concurrent resolution.

Mr. PANETTA. The gentleman is moving notwithstanding all the provisions of House Concurrent Resolution 115?

Mr. CONTE. Yes, in particular House Joint Resolution 357.

Mr. PANETTA. Mr. Speaker, further reserving the right to object, as I understand it, this provision would then allow for the continuing resolution to be enrolled.

Mr. CONTE. That is right, and go to the President.

Mr. PANETTA. Mr. Speaker, I withdraw my reservation of objection.

Mr. SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. CONTE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CONTE. Mr. Speaker, is there any idea how we proceed from here?

The SPEAKER. The conference report and motions that were just passed will be sent to the other body. When it is completed by the other body, if there are any amendments added in disagreement, it would have to come back to this body. If they were to accept the legislation as sent to them, then it would have to come back here for enrollment.

If they were to complete the bill and send it for enrollment, it could take up to 4 hours for enrollment. It would be enrolled and signed by the Speaker, in the Senate signed by the Vice President and then would go to the White House for the signature of the President.

The Chair has been informed by the President that he would veto it. If such a procedure takes place, then the House would probably be in recess until 10 o'clock tomorrow morning, for any formal work.

When the House recesses, we will recess subject to the call of the Chair, because the Chair is not aware of what the Senate may do, whether they will disagree to or amend some of our amendments. If they do, the minute the papers come, we will call the House in session and give a 15-minute notification.

If they accept everything, it will come back for enrollment and as the gentleman knows, that would be pro forma.

The Speaker would be here, but he cannot predict until such time as we have further information from the Senate how long the Members should stay, so we would be only speculating.

It appears to the Chair that Members ought to make plans to be back here at 10 o'clock tomorrow morning.

Mr. CONTE. Mr. Speaker, one further question, if I may. Assuming that the Senate defeats the House concurrent resolution, the continuing resolution, what would happen?

The SPEAKER. Then the House could bring up a further joint resolution, a continuing resolution to a time certain.

Mr. CONTE. One further question. I have had Members on my side request that instead of a 15-minute notice, if they could have a half an hour notice so they can get in here from their homes.

The SPEAKER. The Chair sees no objection to that.

Mr. CONTE. I thank the Chair. The Speaker is most fair, as usual.

Mr. WATKINS. Mr. Speaker, if it is in order, did the President indicate why he was going to veto the bill? It was below the Senate figure which he said it was going to be. He said he would pass anything with the Senate figure.

The SPEAKER. In order for the Chair to discuss that, he would have to take the floor.

RECESS

The SPEAKER. The House will stand in recess subject to the call of the Chair.

Accordingly (at 6 o'clock and 5 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2300

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 11 p.m.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.J. Res. 357) entitled "An act making further continuing appropriations for the fiscal year 1982, and for other purposes."

The message also announced that the Senate agree to the amendments of the House to the amendments of the Senate numbered 11, 15, 29, 32, 39, 40, 43, 48, 53, 57, and 74 to the above-entitled bill.

The message also announced that the Senate recede from its amendments numbered 37 and 73 to the above-entitled bill.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4144. An act making appropriations for energy and water development for the fiscal year ending September 30, 1982, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. AuCoin (at the request of Mr. Wright) for November 21 and 22 (legislative day of November 20), on account of illness.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DAUB, immediately before the vote on the conference report on Housing Joint Resolution 357, today.

RECESS

The SPEAKER. The Chair declares the House in recess until 10 a.m. tomorrow.

Accordingly (at 11 o'clock and 1 minute p.m.), the House stood in recess until 10 a.m., Monday, November 23, 1981.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of November 21
(legislative day, November 20), 1981]

Mr. WHITTEN. Committee of conference. Conference report on House Joint Resolu-

tion 357 (Rept. No. 97-352). And ordered to be printed.

PUBLIC BILLS AND
RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN:

H.R. 5098. A bill to amend title VII of the Civil Rights Act of 1964 to prohibit employment discrimination on the basis of political preference; to the Committee on Education and Labor.

By Mr. KOGOVSEK:

H.R. 5099. A bill to provide for the enforcement of State laws upon the acquisition of lands by the Federal Government; to the Committee on Interior and Insular Affairs.

By Mr. MOORE:

H.R. 5100. A bill to amend section 62 of the Internal Revenue Code of 1954 to make the treatment of business expenses of ministers under such section consistent with the treatment of such expenses for purposes of social security taxes; to the Committee on Ways and Means.

By Mr. SMITH of Oregon:

H.R. 5101. A bill to authorize the Secretary of the Treasury to issue bonds that may be redeemed for gold; to the Committee on Ways and Means.

By Mr. MICHEL:

H.J. Res. 366. Joint resolution making further continuing appropriations for the fiscal year 1982; to the Committee on Appropriations.

By Mr. WHITTEN:

H.J. Res. 367. Joint resolution making further continuing appropriations for the fiscal year 1982; to the Committee on Appropriations.